
Digitized by the Internet Archive
in 2021 with funding from
University of Toronto

https://archive.org/details/31761114652035

Governmen
Publicatio

Canada. Parliament. Legislative Assembly
Debates of the Legislative Assembly of United Can
vol. 5. pt. 1 1846

D E B A T E S O F T H E L E G I S L A T I V E

A S S E M B L Y O F

U N I T E D C A N A D A

Volume V

Part I

1846



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the

Centre d'Etude du Québec

and the

Centre de recherche en histoire économique du Canada français

General Editor

Elizabeth Gibbs

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

Volume V, Part I

1846

Edited by

Elaine Naves

PRESSES DE L'ECOLE DES HAUTES ETUDES COMMERCIALES

5255, avenue Decelles, Montréal, Québec H3T 1V6

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

---

CENTRE D'ETUDE DU QUEBEC
Room 462-11, Sir George Williams University
Montreal, Quebec
H3G 1M8

Director : *Cameron Nish*

Associate Director : *Jean Hamelin*

Research Director : *Elizabeth Gibbs*

Administrative Director : *Ian Campbell*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE
DU CANADA FRANCAIS
5255, avenue Decelles
Montréal, Québec
H3T 1V6

Directeur : *Pierre Harvey*

Directeur de la recherche : *Cameron Nish*

Research for this volume, as for the previous ones, was substantially supported by Canada Council. The Publication of the Debates of the Legislative Assembly of United Canada is a joint undertaking of the Centre de recherche en histoire economique du Canada français and Les Presses de l'Ecole des hautes études commerciales. The publication of the volumes is supported jointly by the Humanities Research Council of Canada and the Social Science Research Council of Canada using funds provided by the Canada Council.

*Presses de l'Ecole des hautes études commerciales, 1974

INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.[1] The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Sixteen newspapers were consulted for the session of 1846, the chief characteristics of which are described in the following table.[2]

1. In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

2. The Toronto GLOBE, a paper included in the previous volume, was also consulted but omitted from the table, as only one issue has survived for the entire parliamentary session of 1846.

Newspaper	Section	District	Language	Political Orientation	Special M.P.'s	Completeness of Paper on Microfilm	Frequency of Distribution	Average Number of Columns Devoted to Assembly per Issue	Completeness of Reports	Accuracy	Person Reported in	Origin of Reports	Amount of Commentary on Debates, and its Usefulness	Coverage Given to Legislative Council
L'AURORE	L.C.	Montreal	French	French Canadian Ministerial	D.B. Viger, D.B. Papineau	Very	Twice weekly, Wednesday, Saturday	3	Sketchy, but quite good accounts	A	Third	Original	B	Never
BATHURST COURIER	U.C.	Bathurst	English	Reform	Malcolm Cameron	Poor, many issues missing	Weekly, Tuesday	9 to 10	Very good	A	Third	Copied from Pilot	C	Rarely
BRITISH COLONIST	U.C.	Toronto, Home	English	Moderate Conservative	-	Very	Twice weekly, Tuesday, Friday	5	Very good	A	First, third	Copied from Montreal papers, especially Montreal Gazette and Montreal Herald	B	Rarely
BROCKVILLE RECORDER	U.C.	Johnston, Eastern, and Bathurst	English	Reform	Malcolm Cameron	Very	Weekly, Thursday	4 to 11	Good for Upper Canada	A	First, third	Copied from Pilot	B	At end of Session only
LE CANADIEN	L.C.	Quebec	French	French Canadian Ministerial	D.B. Viger, D.B. Papineau	Very	Three times weekly, Monday, Wednesday, Friday	4 to 5	Good for Lower Canada	A	First, third	Some original, some copied	B	Rarely
CHATHAM GLEANER	U.C.	Western	English	Conservative farming	Joseph Woods	Two issues missing at end of Session	Weekly, Tuesday	½ to 6	Partisanly edited accounts	A	Third	Copied from Montreal papers	C	Rarely
COBOURG STAR	U.C.	Newcastle	English	Conservative	John T. Williams	Very	Weekly, Wednesday	2 to 3	Good for Upper Canada	A	Third	Copied from Montreal Conservative papers, especially Montreal Transcript, Montreal Herald, and Montreal Courier	B	Rarely
EXAMINER[3]	U.C.	Toronto, Home	English	Reform	-	Very	Weekly, Wednesday	2 to 3	Good for Upper Canada	A	Third	Mainly edited from Pilot, but some original reports and commentaries	A	At end of Session only
LE JOURNAL DE QUEBEC	L.C.	Quebec	French	French Canadian Reform	French Canadian Reform Members	Very	Three times weekly, Tuesday, Thursday, Saturday	1 to 6	Very good for Lower Canada	A	First, third	Some original, some copied from La Minerve, and La Revue Canadienne	A	Never
KINGSTON NEWS	U.C.	Midland	English	Conservative	John A. Macdonald, Henry Smith	Very	Twice weekly, Monday, Thursday	2 to 5	Very good	A	Third	Mainly copied from Montreal papers, especially Montreal Herald, Montreal Courier, and Pilot	A	Occasionally, ½ to 1 column
LA MINERVE	L.C.	Montreal	French	French Canadian Reform	French Canadian Reform Members	Very	Twice weekly, Tuesday, Thursday	5	Very good for Lower Canada	A	First, third	Reports of speeches of French Canadian members original, otherwise mainly translated versions of accounts in English papers	A	Occasionally, ½ to 1 column
MIRROR OF PARLIAMENT[4]	L.C.	Montreal	English	Non-partisan	-	Very	Weekly, Saturday	11[5]	Excellent	A	First, third	Copied from Pilot	None	Regularly, 1½ columns[6]
MONTREAL GAZETTE	L.C.	Montreal	English	Montreal urban Conservative	Ministerial Members	Four missing issues	Three times weekly to May 4, Monday, Wednesday, Friday; daily except Sunday, after May 4	1 to 4	Excellent	A	First, third	Original, sometimes produced in collaboration with Montreal's other Conservative papers	A	Occasionally, 1 to 2 columns
MONTREAL TRANSCRIPT	L.C.	Montreal	English	Montreal urban Conservative	Ministerial Members	Very, commencing May 2	Three times weekly, Tuesday, Thursday, Saturday	3 to 4	Excellent	A	First, third	Some original, some copied, some in collaboration with Montreal's other Conservative papers	B	Occasionally, 1 to 4 columns
PILOT	L.C.	Montreal	English	Reform	Reform members, especially L.H. LaFontaine and R. Baldwin	Very	Three times weekly, Tuesday, Thursday, Saturday	7	Excellent	A	First, third	Original	A	Regularly, ½ to 1 column
ST. CATHARINES JOURNAL	U.C.	Niagara	English	Moderate Reform	William Hamilton Merritt	Very	Weekly, Thursday	3 to 4	Edited version of excellent reports	A	First, third	Copied from Montreal papers, especially Montreal Gazette	B minus	Rarely

3 The EXAMINER's print is virtually unreadable for the 1846 session. As the paper's parliamentary reports were either merely copied verbatim or edited from the PILOT, it was decided to footnote only commentaries original to the EXAMINER, and to omit references to its accounts of the debates.

4 The MIRROR OF PARLIAMENT, designed to be bound as a book at the end of the parliamentary session, was copied directly from the PILOT and in fact was printed in the PILOT offices. It was published every week, and a final post-session issue contained an index and a list of errors. Although the PILOT was the original source, the MIRROR's superior typescript and legibility made it the logical choice to reproduce when selections from their identical reports were used.

5 For the MIRROR the number of columns has been calculated by day instead of by issue.

6 IBID.

The reasons for including such newspapers as the BATHURST COURIER, the BROCKVILLE RECORDER, the CHATHAM GLEANER, the KINGSTON NEWS, and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume 1. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms of this volume remain unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; Johnson instead of Johnston; Colvile instead of Colville; and various spellings of

Macdonald and Macdonell. All spelling of names within a speech is left unchanged, however. 2) Whenever a member is reported to have spoken in English or in French, this fact is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own. 4) Four of the newspapers are referred to in abbreviated form, the MIRROR OF PARLIAMENT OF THE PROVINCE OF CANADA as the MIRROR, the PILOT AND JOURNAL OF COMMERCE as the PILOT, the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL, and L'AURORE DES CANADAS as L'AURORE. 5) The various parentheses used in the newspapers are represented in our text by ( ). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expence", "countroul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR ALLAN MACNAB said that he would go to town....[1] he meant to the town of Three Rivers....[2] as soon as possible....[3]" becomes "SIR ALLAN MACNAB said that he would to to town[1], he meant to the town of Three Rivers[2], as soon as possible[3]."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "Sir Allan MacNab thinks" while "Captain Steele

said" and "Mr. Cooke had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

The parliamentary session of 1846, like that of 1844-45, is so long that it must be published in two volumes. The present volume consists of the debates from the opening day of the session, 20 March 1846, to 30 April 1846, inclusive, followed by a proper name index. The subject index, however, will only be included at the end of the second volume.

This manuscript was typed in its final form by Miss Margaret Mackinnon and Miss Halina Monkiewicz. Miss Irene Bilas prepared and typed the very complex subject index which follows in the next volume. Miss Joan Galbraith also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

SECOND PARLIAMENT - SECOND SESSION
20 March 1846 to 9 June 1846

CAYLEY, William	
Member of the Executive Council:	6 Aug. 1845 to 10 Mar. 1848
Inspector General:	6 Aug. 1845 to 10 Mar. 1848
DALY, Dominick	
Member of the Executive Council:	13 Feb. 1841 to 10 Mar. 1848
Provincial Secretary, Canada:	1 Jan. 1844 to 10 Mar. 1848
Member of the Board of Works:	21 Dec. 1841 to 8 June 1846
DRAPER, William Henry	
Member of the Executive Council:	12 Dec. 1843 to 28 May 1847
Attorney General, U.C.:	1 Sept. 1844 to 28 May 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846
MORRIS, William	
Member of the Executive Council:	2 Sept. 1844 to 10 Mar. 1848
Receiver General:	2 Sept. 1844 to 20 May 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846
Member of the Legislative Council:	9 June 1841 to 29 June 1858
PAPINEAU, Denis Benjamin	
Member of the Executive Council:	2 Sept. 1844 to 7 Dec. 1847
Commissioner of Crown Lands:	3 Sept. 1844 to 7 Dec. 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846
SMITH, James	
Member of the Executive Council:	2 Sept. 1844 to 22 Apr. 1847
Attorney General, L.C.:	1 Sept. 1844 to 22 Apr. 1847
VIGER, Denis Benjamin	
Member of the Executive Council:	12 Dec. 1843 to 17 June 1846
President of the Executive Council:	12 Dec. 1843 to 17 June 1846

MEMBERS OF THE LEGISLATIVE ASSEMBLY

AND THEIR CONSTITUENCIES

1846

Armstrong, David Morrison.....Berthier, L.C.
Aylwin, Thomas Cushing.....Quebec, City, L.C.
Baldwin, Robert.....York, Fourth Riding, U.C.
Berthelot, Amable.....Kamouraska, L.C.
[illegible], Louis.....Rimouski, L.C.
Boulton, William Henry.....Toronto, City, U.C.
Bouthillier, Thomas.....St. Hyacinthe, L.C.
Brooks, Samuel.....Sherbrooke, County, L.C.
Cameron, Malcolm.....Lanark, U.C.
Cauchon, Joseph Edouard.....Montmorency, L.C.
[illegible][1].....Huron, U.C.
Chabot, Jean.....Quebec, City, L.C.
Chalmers, George.....Halton, East Riding, U.C.
Chauveau, Pierre Joseph Olivier.....Quebec, County, L.C.
[illegible], Robert.....Gaspé, L.C.
Colville, Eden.....Beauharnois, L.C.
Cummings, James.....Lincoln, South Riding, U.C.
Daly, Dominick.....Megantic, L.C.
DeBleury, Charles Clément Sabrevois.....Montreal, City, L.C.
Desaulniers, François.....St. Maurice, L.C.
[illegible], Jacob.....Leinster, L.C.
Dickson, Walter Hamilton.....Niagara, Town, U.C.
Draper, William Henry.....London, Town, U.C.
Drummond, Lewis Thomas.....Portneuf, L.C.
Duggan, George R.....York, Second Riding, U.C.
[illegible]inger, Edward.....Middlesex, U.C.
Foster, Stephen Sewel.....Shefford, L.C.
Franchère, Timothée.....Rouville, L.C.
Gowan, Ogle Robert.....Leeds, U.C.
[illegible], Louis.....Champlain, L.C.
Hale, Edward.....Sherbrooke, Town, L.C.
Hall, George Barker.....Northumberland, South Riding, U.C.
Jessup, Hamilton Dibble.....Grenville, U.C.
Jobin, André.....Montreal, County, L.C.
Johnston, James[2].....Carleton, U.C.
La[illegible]ste, Louis.....Chambly, L.C.
LaFontaine, Louis Hippolyte.....Terrebonne, L.C.
[illegible]antier, Jacques Philippe.....Vaudreuil, L.C.
Laterrière, Marc Pascal de Sales.....Saguenay, L.C.
Laurin, Joseph.....Lotbinière, L.C.
LeBoutillier, John.....Bonaventure, L.C.
LeMoine, Benjamin Henry.....Huntingdon, L.C.
Leslie, James.....Verchères, L.C.
Macdonald, John Alexander.....Kingston, City, U.C.
Macdonald, John Sandfield.....Glengarry, U.C.
Macdonald, Rolland[3].....Cornwall, U.C.

Macdonell, Donald Aeneas.....Stormont, U.C.
Macdonell, George.....Dundas, U.C.
MacNab, Allan Napier.....Hamilton, City, U.C.
McConnell, John.....Stanstead, L.C.
Merritt, William Hamilton.....Lincoln, North Riding, U.C.
Méthot, Antoine Prospère.....Nicolet, L.C.
Meyers, Adam Henry.....Northumberland, North Riding, U.C.
Moffatt, George.....Montreal, City, L.C.
Monro, George.....York, Third Riding, U.C.
Morin, Augustin Norbert.....Bellechasse, L.C.
Murney, Edmund.....Hastings, U.C.
Nelson, Wolfred.....Richelieu, L.C.
Papineau, Denis Benjamin.....Ottawa, County, L.C.
Petrie, Archibald.....Russell, U.C.
Powell, Israel Wood.....Norfolk, U.C.
Price, James Hervey.....York, First Riding, U.C.
Prince, John.....Essex, U.C.
Riddell, Robert.....Oxford, U.C.
Robinson, William Benjamin.....Simcoe, U.C.
Roblin, John P.[4].....Prince Edward, U.C.
Rousseau, Léon.....Yamaska, L.C.
Scott, William Henry.....Two Mountains, L.C.
Seymour, Benjamin.....Lennox and Addington, U.C.
Sherwood, George.....Brockville, U.C.
Sherwood, Henry.....Toronto, City, U.C.
Smith, Harmanus.....Wentworth, U.C.
Smith, Henry.....Frontenac, U.C.
Smith, James.....Missisquoi, L.C.
Stewart, Neil.....Prescott, U.C.
Stewart, William.....Bytown, U.C.
Taché, Etienne Paschal.....L'Islet, L.C.
Taschereau, Joseph André[5].....Dorchester, L.C.
Thompson, David.....Haldimand, U.C.
Viger, Denis Benjamin.....Three Rivers, Town, L.C.
Watts, Robert Nugent.....Drummond, L.C.
Webster, James.....Halton, West Riding, U.C.
Williams, John Tucker.....Durham, U.C.
Woods, Joseph.....Kent, U.C.

---

1. William Dunlop resigned his seat between sessions and Cayley was subsequently elected in Huron, 28 February 1846.

2. Johnston resigned his seat 14 May 1846 and G. Lyon was subsequently elected in Carleton, 23 June 1846.

3. Macdonald resigned his seat and John Hillyard Cameron was subsequently elected in Cornwall, 17 August 1846.

Roblin was appointed Collector of Customs in May 1846 and Roger Bates Conger was subsequently elected in Prince Edward, 1 July 1846.

Joseph André Taschereau was elected in Dorchester, 15 September 1845, after the death of the incumbent member, Pierre Elzéar Taschereau.

FRIDAY, 20 MARCH 1846.[1]

(1)

Message to attend the Administrator of the Government.

A MESSAGE from His Excellency, the Administrator of the Government, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

MR. SPEAKER:

His Excellency, the Administrator of the Government, desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber:--And being returned

Writs issued in the Recess.

Mr. Speaker acquainted the House, that he had issued his warrants to the Clerk of the Crown in Chancery, to make out new writs for the election of Members to serve in the present Provincial Parliament in the room of Members whose seats had become vacant; and that the Clerk of this House had received from the said Clerk of the Crown in Chancery, the following Certificates of Returns of Members, elected during the recess, upon the said new writs.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Montreal, 23rd July, 1845.

Town of Three Rivers.

This is to certify that in virute of a writ of election, dated the twenty-sixth day of June last past, issued by His Excellency, the Governor in Chief, and directed to the Returning Officer for the Town of Three Rivers, (Louis Euzèbe Desilets, Esquire,) for the election of one Member to represent the Town of Three Rivers in the present Parliament, in the room of the late Edward Greive, Esquire, deceased, the Honourable Denis Benjamin Viger has been returned as duly elected accordingly, as appears by the return to the said writ, dated the fourteenth day of July instant, which is lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W. B. LINDSAY, Esquire,
Clerk of the Legislative Assembly.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Montreal, 17th September, 1845.

County of Dorchester.

This is to certify that in virtue of a writ of election, dated the twenty-first day of August last past, issued by His Excellency, the Governor in Chief, and directed to the Returning Officer for the County of Dorchester

(Jean Bte. Bonneville, Esquire) for the election of one Member to represent the County of Dorchester in the present Parliament, in the room of [illegible] Viger Taschereau, Esquire, deceased, Joseph André Taschereau, Esquire, has been returned as duly elected accordingly, as appears by the return to the said writ, dated the fifteenth day of September instant, which is lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W. B. LINDSAY, Esquire,
Clerk of the Legislative Assembly.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Montreal, 11th March, 1846.

County of Huron. This is to certify, that in virtue of a writ of election, dated the twenty-sixth day of January last past, issued by His Excellency, the Administrator of the Province, and directed to the Returning Officer for the County of Huron, (John Macdonald, Esquire,) for the election of one Member, to represent the County of Huron in the present Parliament, in the room of William Dunlop, Esquire, who had resigned his seat, the Honourable William Cayley has been returned as duly elected accordingly, as appears by the return to the said writ, dated the twenty-eighth day of February now last past, which is lodged of record in my office,

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W. B. LINDSAY, Esquire,
Clerk of the Legislative Assembly.

MR. DEBLEURY[2] and MR. COM. CR. LANDS PAPINEAU introduced the Hon. Viger, as Member for Three Rivers.[3]

MESSRS. AT. GEN. DRAPER and AT. GEN. SMITH introduced Mr. Taschereau.[4]

MESSRS. MOFFATT and ROBINSON introduced Mr. Cayley.[5]

Members take oath and their seats. (1) The Honourable Denis Benjamin Viger, Member for the Town of Three Rivers; Joseph André Taschereau, Esquire, Member for the County of Dorchester; and (2) the Honourable William Cayley, Member for the County of Huron; having previously taken the oath, according to law, and subscribed, before the Commissioners, the roll containing the same, took their seats in the House.

Public Officers Oath Bill. Ordered.--That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to indemnify certain public officers and others, who may not

have taken the oaths of them, by law required.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Mr. Speaker reports Speech.

Mr. Speaker then reported that, when the House did attend His Excellency, the Administrator of the Government, this day in the Legislative Council Chamber; His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament; of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, and is as followeth:--

Speech.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly,

The duty of opening this Session of Parliament has necessarily devolved upon me as Administrator of the Government, in consequence of the lamented departure of the late Governor General. But I am commanded at the same time to make known to you that the Queen has been graciously pleased permanently to designate me as Her Majesty's future Representative in this Province.

In announcing to you the fact of my having thus become the Successor of Lord Metcalfe, you will, I feel assured, concur with me in the expression of sincere regret at the painful cause which has removed this distinguished Nobleman from a Station, the Duties of which, he discharged with a zeal and ability, that on every occasion won for him the highest approbation of his Sovereign, and the respect and gratitude of the People over whom he presided as Her Representative.

The several Addresses to the Queen which were adopted during the last Session of the Legislature have been laid at the foot of the Throne. It will be my pleasing duty to announce to you Her Majesty's gracious Replies.

I should under any circumstances have directed your early attention to the condition of the Militia Law. But the unsettled state of the Negotiations which have been for some time past carried on between the Imperial Government and that of the United States of America, renders it imperative upon me to press more immediately on your consideration the necessity of a reorganization of this arm of the public defence. I feel the most unbounded confidence that the loyalty and patriotism of every Class of Her Majesty's Subjects in Canada will be conspicuous, as they have been heretofore, should occasion call for their services to aid in the protection of their Country; but a well digested and uniform system is indispensable to give a fitting direction to the most zealous efforts. At the same time I feel warranted in assuring you that, while our Gracious Sovereign will ever rely on the free and loyal attachment of Her Canadian People for the defence of this Province, and the maintenance of British Connexion, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy, corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

The subject of the Civil List, which was brought under your consideration by my predecessor, will doubtless engage your attention, when I trust to your wisdom to make such a Provision as will enable Her

Majesty to give effect to your wishes, by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

Gentlemen of the Legislative Assembly,

The Financial Accounts of the Province for the past year will be immediately laid before you. The estimates for the service of the current year will be likewise submitted for your early consideration.

The necessity of providing for the prosecution and completion of the public improvements undertaken with the sanction of Parliament, will form a subject for your deliberation.

It affords me pleasure to be able to inform you that the Revenue of the past year has not fallen short of the expectations which were entertained of its amount, and I rely on your willingness to make such provision for the public service, as a due regard to the interests of the people may require.

Honourable Gentlemen, and
Gentlemen of the Legislative Assembly,

Since your last meeting, the ancient City of Quebec has been subjected to unexampled calamity in the successive fires which laid waste its buildings. Measures, rendered indispensable by the exigency, were adopted by my Predecessor, which will be sent down for your approval.

The sympathy and benevolence of different portions of the British Empire, were roused into active exercise by the knowledge of the severe infliction with which it had pleased Divine Providence to permit the Citizens of Quebec to be visited, and we have the strongest reasons for appreciating the noble generosity which has been exhibited, and which has proved how truly the inhabitants of Canada are felt by the people of Great Britain, to be Brethren and fellow subjects of the same mighty Nation. It will be for your wisdom to consider what further measures it may be proper to adopt, for the restoration of what has been thus destroyed.

The last intelligence from the Mother Country indicates a most important change in the Commercial Policy of the Empire. I had previously taken occasion to press upon Her Majesty's Government a due consideration of the effect, that any contemplated alteration might have on the interests of Canada. But until we have a fuller exposition of the projected Scheme, which a few days will probably bring to us, it would be premature to anticipate that the claims of this Province to a just measure of protection had been overlooked.

In these and the various other subjects affecting the prosperity of Canada, which may occupy you, I offer my hearty co-operation; and I earnestly trust that under the direction of an all-wise Providence, we shall be enabled to pursue a course calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.

On motion of Mr. Smith, of Frontenac, seconded by the Honourable Mr. DeBleury,

Postage. Ordered, That the Clerk be directed to charge to the contingencies of the House, the postage on

all letters not exceeding one ounce in weight, and on printed papers, to and from Members of this House, during the present Session, provided that when Petitions to this House are enclosed, the postage thereon shall be charged, without restriction as to weight.

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Cayley,

Speech to be considered. Ordered, That the Speech of His Excellency, the Administrator of the Government, this day de-

(3)

livered to both Houses of the Provincial Legislature, be taken into consideration on Monday next.

To be printed. Ordered, That two hundred and fifty copies of the said Speech be printed, in each of the English and French languages, for the use of the Members of this House.

Petition of R. Riddell, Esq., sitting Member for Oxford. A Petition of Robert Riddell, Esquire, the Sitting Member for the County of Oxford, was presented to the House by Mr. Smith of Frontenac, and the same was received and read, setting forth:--That on the petition of Francis Hincks, of the City of Montreal, Esquire, against the election and return of your said petitioner, it was ordered by this Honourable House, on the fifteenth January, one thousand eight hundred and forty-five, "That the Petitioners complaining of the undue election and return of Robert Riddell, Esquire, for the County of Oxford, and the Sitting Member for the said County, do exchange on or before the first day of February next, at eleven o'clock, A.M., lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters excepted to by them respectively; such lists to be delivered as follows, that is to say, the list on the part of the Petitioners to be delivered to or left at the residence of Simon F. Robertson, Esquire, as agent for the Sitting Member, at Woodstock, and the list on the part of the Sitting Member to be delivered or left at the residence of Mr. George Henry, at Woodstock, as agent for the petitioners." That no service, as required by the said order, was ever made by the said Francis Hincks, nor was any such list left, as thereby directed. That the Commissioners, to whom the taking of the evidence under the said Petition was referred, did proceed, notwithstanding the protestations of your said Petitioner, to take, and did take the evidence, under the said Commission, and the said Francis Hincks did adduce and bring proof, for the purpose of setting aside the votes of a number of persons who had voted for your Petitioner, although there had not been served on your said Petitioner, or left with or at the residence of the said agent of your said Petitioner, any such list, containing either the names of the voters objected to, or the nature of the objections to be brought against them, as required by the order of your Honourable House, nor, in fact, was any list whatsoever delivered or left. That your said Petitioner was, thereby, deprived of the advantage allowed to him by

law, and could not be prepared to rebut the objections so brought and urged by the said Francis Hincks, against certain of the voters of your said petitioner. That your Petitioner did duly serve and leave his list of objected voters, on the said Francis Hincks and his agent, as required by the said order, and that the said Francis Hincks on the scrutiny, and before the Commissioners did confine your petitioner strictly to the adduction of evidence, regarding the votes of such voters alone as were named in the said list, and did even object to any proof being offered, when the spelling of the name in the said list differed from that contained in the Poll Book. That thereby your Petitioner was greatly inconvenienced and damnified, and could not prosecute his scrutiny with advantage, and the said Francis Hincks obtained a great and evident advantage over your Petitioner, by being possessed of the names of objected voters, and with the nature of the objections. That the said Commissioners have, as your Petitioner believes, returned the evidence so taken by them to the Speaker of this Honourable House, and that the same will, doubtless, be in due course laid before the Committee appointed to try the merits of the said Petition. That the said non-compliance with the order of this Honourable House may not be apparent on the face of the proceedings, so to be laid before the said Committee, and that thereby the said Committee may proceed to adjudge and determine on the merits of the said Petition, without your Petitioner being permitted or having it in his power to shew the irregularity, error, omission, and vice aforesaid; and great injustice may hereby be done to your Petitioner without the said Committee having it in their power to do justice to your said Petitioner. Wherefore your Petitioner prays the intervention of this Honourable House, and that he may be heard on the said Petition by his Counsel, and that it may be declared and resolved, that, for want of the proper service aforesaid, the said Commissioners ought not to have proceeded with the said scrutiny, and that the proceedings of the said Commissioners were and are illegal, and null and void, and that it may be ordered and resolved, that the said Committee should not receive the said Commission, or, that if received, they should not proceed therewith until proof satisfactory to this House should be offered to, and received by this Honourable House, that the said order of the said fifteenth day of January, one thousand eight hundred and forty-five was complied with.

Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Christie,--The Petition of A. J. Wolff, Esquire, of Valcartier, in the County of Quebec; the Petition of the Reverend R. Short and others, members of the Church of England, in the Parish of Cape Cove, in the District of Gaspé; and the Petition of Joseph Cormier, Esquire, and others of the Magdalen Islands, in the County and District of Gaspé.

By Mr. Prince,--The Petition of John W. Dempsey, of the City of Toronto; and the Petition of Thomas M'Crae and others, of that part of the Province formerly Upper Canada.

By Mr. Williams,--The Petition of William Rowe and others, of the Townships of Clarke and Hope, in the District of Newcastle.

By Mr. Meyers,--The Petition of the President and Board of Police of the Town of Cobourg.

By the Honourable Mr. Aylwin, the Petition of the Quebec Board of Trade.

By the Honourable Mr. Viger,--The Petition of P. B. Dumoulin and P. E. Vezina, Esquires, of Three Rivers.

Then, on motion of Mr. Gowan, seconded by the Honourable Mr. Solicitor General Sherwood,

The House adjourned until Monday next.

((NOTICE OF MOTION RE: POSTAGE.))[6]

MR. ROBINSON gave notice of a motion for an Address to Her Majesty, praying that the communication between Great Britain and these Provinces by the Royal Mail Steamers, may be more frequent during the winter months; and also praying for a reduction in the rate of Postage throughout the Province.[7]

((NOTICE OF MOTION RE: RAILROADS.))[8]

COL. PRINCE gave several notices regarding Railroads in the Western part of the Province.[9]

((NOTICE OF MOTION RE: SIR JAMES STUART.))[10]

M. AYLWIN a donné avis "qu'aussitôt que cela s'accorderait avec les usages parlementaires, il fera motion d'une adresse à Son Excellency pour la prier de vouloir communiquer à la chambre des copies de toutes demandes (ainsi que leurs dates respectives), qui peuvent avoir été faites au gouver((ne))ment impérial ou au gouvernement provincial par Sir James Stuart, baronet, et juge en chef du Bas-Canada, de le décharger de toute obligation de remplir les devoirs de sa charge de président de la cour de la reine, pour le district de Québec, qui est maintenant en session à Québec en vertu de la loi; et de lui permettre de résider à Montréal depuis le 10 du présent mois jusqu'à cette date."[11]

((NOTICE OF MOTION RE: GASPE.))

MR. CHRISTIE gave notice of five bills relating to Gaspé and the Magdalen Islands.[12]

((NOTICE OF QUESTION RE: PETIT JURIES.))

M. COLVILLE a donné avis qu'il demanderait à l'administration si c'était son intention d'introduire un bill pour pourvoir au paiement des petits jurés dans le Bas-Canada.[13]

FOOTNOTES - 20 MARCH 1846.

1. LE JOURNAL DE QUEBEC, 24 March 1846, gives the following list of members present at the opening of Parliament, as well as those who were absent: "Armstrong, Aylwin, Baldwin, Berthelot, Boulton, Boutillier, Cameron, Cauchon, Cayley, Chalmers, Chauveau, Christie, Colvile, Cummings, Daly, DeBleury, Dewitt, Draper, Drummond, Duggan, Ermatinger, Foster, Franchère, Gowan, Jessup, Johnston, Lafontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald, (Cornwal)(sic), Macdonald, (Glengary), Macdonald, (Kingston), Macdonell, (Stormont), MacNab, McConnell, Méthot, Meyers, Moffatt, Morin, Nelson, Papineau, Petrie, Price, Prince, Riddell, Robinson, Roblin, Rousseau, Scott, Seymour, Scherwood (sic), (Brockville), Scherwood, (sic), (Toronto), Smith, (Frontenac), Smith, (Missisquoi), Stewart, (Bytown), Stewart, (Prescott), Taché, Taschereau, Viger, Watts, Webster, Williams, Woods. Membres absents: Bertrand, Brooks, Chabot, Desaunier, Dickson, Guillet, Hale, Hall, Jobin, Lacoste, LaTerrière, LeBoutillier, Macdonell, (Dundas), Merritt, Monro, Murney, Powell, Smith, (Wentworth), Thompson." LA MINERVE, 23 March 1846, copied by LE CANADIEN, 23 March 1846, also lists the members present, noting which had recently arrived at the Seat of Government.
2. The following exchange was reported by: LA MINERVE, 23 March 1846, copied by LE CANADIEN, 23 March 1846; and ST. CATHARINES JOURNAL, 2 April 1846, BROCKVILLE RECORDER, 26 March 1846, and MIRROR, 20 March 1846, in identical accounts.
3. MIRROR, 20 March 1846.
4. IBID.
5. IBID.
6. The following notice was reported by: PILOT, 20 March 1846; and MONTREAL GAZETTE, 23 March 1846, BRITISH COLONIST, 27 March 1846, COBOURG STAR, 25 March 1846, KINGSTON NEWS, 26 March 1846, and the GLOBE, 31 March 1846, in identical accounts.
7. MONTREAL GAZETTE, 23 March 1846,
8. The following notice was reported by: MONTREAL GAZETTE, 23 March 1846, BRITISH COLONIST, 27 March 1846, COBOURG STAR, 25 March 1846, KINGSTON NEWS, 26 March 1846, and GLOBE, 31 March 1846, in identical accounts.
9. MONTREAL GAZETTE, 23 March 1846.
10. The following notice was reported by: MIRROR, 20 March 1846, MONTREAL GAZETTE, 23 March 1846, COBOURG STAR, 25 March 1846, KINGSTON NEWS, 26 March 1846, BRITISH COLONIST, 27 March 1846, and GLOBE, 31 March 1846, in identical accounts; LA MINERVE, 23 March 1846, copied by LE CANADIEN, 23 March 1846; LE JOURNAL DE QUEBEC, 24 March 1846; PILOT, 20 March 1846; and BROCKVILLE RECORDER, 26 March 1846, in an account identical to that in ST. CATHARINES JOURNAL, 2 April 1846.
11. LE JOURNAL DE QUEBEC, 24 March 1846.
12. PILOT, 20 March 1846.
13. LE JOURNAL DE QUEBEC, 24 March 1846.

(3)

Petitions brought up.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Woods,--the Petition of George W. Foot, Esquire, and others, of the townships of Norwich, Dover, Chatham, and Sombra.

By Mr. Colvile,--the Petition of Isaac Law and others.

By Mr. Sherwood of Brockville,--the Petition of the Reverend William H. Cunning and others, members of the United Church of England and Ireland, in the County of Leeds, in the Diocese of Toronto.

By the Honourable Mr. Robinson,--the Petition of R. Henry and others, members of the United Church of England and Ireland, in Cobourg and its vicinity, in the Diocese of Toronto; the Petition of the Municipal Council of the District of Simcoe, (relating to the Common School Act);

(4)

and the Petition of the Municipal Council of the District of Simcoe, (relating to a Tax on Wild Lands.)

By Mr. Chalmers,--the Petition of John Urquhart and others, of the Townships of Trafalgar, Esquesing, and Erin, in the Home and Gore Districts.

By Mr. Cummings,--the Petition of the Municipal Council of the District of Niagara.

By Mr. Cameron,--the Petition of the President, Directors, and Company of the Great Western RailRoad, (relating to a Magnetic Telegraph); and the Petition of the President, Directors, and Company of the Great Western Railroad, (relating to certain amendments in the charter of the said Company.)

By Mr. M'Connell,--the Petition of C. Jackson and others, Trustees of the Charleston Academy.

By Mr. Williams,--the Petition of the Reverend Jonathan Short an others, members of the United Church of England and Ireland, in Port Hope.

By Mr. Stewart of Bytown,--the Petition of Donald Cameron of the township of Thorch, in the Home District.

By Mr. Leslie,--the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine road; and the Petition of Toussaint Méloche and others, of the Parishes of St. Geneviève, in the Island of Montreal, and St. Raphael, in l'Ile Bizard.

By Mr. Boutillier,--the Petition of Marie Honorine Pinsoneault (dite St. Joseph) and others, the Religious Sisters of Charity of the Hotel Dieu of the Parish of St. Hyacinthe, in the County of St. Hyacinthe.

By Mr. Chauveau,--the Petition of the Reverend George L. Lemoine and others, of the County of Quebec; and the Petition of Dominique Le François and others, of the Parish of St. Ambroise de la Jeune Lorette.

By Mr. [illegible],--the Petition of the Municipal Council of the District of Wellington.

By Mr. Meyers,--the Petition of Henry Ruttan and others, of the Township of Hamilton, in the District of Newcastle.

By Mr. Laurin,--the Petition of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette; the Petition of Pierre Bussière, and others, of the Parishes of St. Henri and St. Isidore, in the County of Dorchester; and the Petition of François Laroche, of the Parish of St. Augustin, in the County of Portneuf.

By the Honourable Mr. Daly,--the Petition of William Hall, Esquire, and others, of the Townships of Broughton, Tring, Forsyth, Lambton, and Leeds, in the County of Megantic.

By Mr. Ermatinger,--the Petition of the Reverend Thomas B. Read and others, members of the United Church of England and Ireland, in the Parish of Port Burwell, in the Diocese of Toronto; and the Petition of the Reverend Francis William Sandys and others, members of the United Church of England and Ireland, in Stewart and other Townships, in the Diocese of Toronto.

By Mr. Macdonald of Cornwall,--the Petition of the President and Board of Police of the Town of Cornwall.

By the Honourable Mr. Solicitor General Sherwood,--the Petition of the Church Society of the Diocese of Toronto.

By Mr. Méthot,--the Petition of Pierre Garette and others, of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska; and the Petition of Moyse Lemire and others, of the Parish of St. Antoine de la Baie du Febvre, in the District of Three Rivers.

By Mr. Smith of Frontenac,--the Petition of James Pearson and others, of the Township of Hillier, in the District of Prince Edward.

By Mr. Hale,--the Petition of John Felton, Esquire, of the Town of Sherbrooke, and the Petition of the Reverend Richard Lonsdele and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Macdonnell of Dundas,--the Petition of the Municipal Council of the Eastern District.

Petitions read. Pursuant to the order of the day, the following Petitions were read:--

Of A. J. Wolff, Esquire, of Valcartier, in the County of Quebec; praying to be indemnified for certain losses sustained by him, while superintending the construction of the road between Metis and the Lake Matapediac.

Of the Reverend R. Short and others, members of the Church of England, in the Parish of Cape Cove, in the District of Gaspé; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Joseph Cormier, Esquire, and others, of the Magdalen Islands, in the County and District of Gaspé; praying that the said Islands may not be annexed to the Island of Prince Edward; and that certain alterations may be made in the administration of Justice in the same.

Of Thomas M'Crae and others, of that part of the Province, formerly Upper Canada; praying for an extension of the time allowed for the completion of the Niagara and Detroit Rivers Railroad.

Of John W. Dempsey, of the City of Toronto; praying that such measures may be adopted as shall enable the Court of Queen's Bench to admit him to practise as an Attorney thereof.

Of William Rowe and others, of the Townships of Clarke and Hope, in the District of Newcastle; praying for the passing of an Act to incorporate "the Granby Harbour Company," with power to erect a Wharf and form a Harbour.

Of the President and Board of Police of the Town of Cobourg; praying that certain amendments be made to the Act establishing a Police in the said Town.

Of the Quebec Board of Trade; praying for certain amendments in the present rates of Customs Duties.

Of P.B. Dumoulin and P.E. Vezina, Esquires, of Three Rivers; praying that the revenue and management of the Common, situated within the Municipality of Three Rivers, be placed under the controul of the said Municipality, and for other purposes, and that a Bill to that effect be passed.

Petitions referred:

Of J. W. Dempsey.

Resolved, That the Petition of John W. Dempsey, of the City of Toronto, be referred to a Select Committee, composed of Mr. Prince, the Honourable Mr. Solicitor General Sherwood and Mr. Gowan, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of Thomas M'Crae and others.

Resolved, That the Petition of Thomas M'Crae and others, of that part of the Province, formerly Upper Canada, be referred to a Select Committee, composed of Mr. Prince, Mr. Woods, Mr. Webster Mr. Ermatinger, and Mr. Cummings, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of Board Police of Cobourg.

Resolved, That the Petition of the President and Board of Police of the town of Cobourg, be referred to a Select Committee, composed of Mr. Meyers, Mr. Williams, and Mr. Hall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

(5)

County of Middlesex Election.

Mr. Williams from the Select Committee, appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parliament;

reported that the Committee met at twelve o'clock, noon, on Saturday last, pursuant to the Statute, but were unable to proceed to business in consequence of the absence of their Chairman, Mr. Dickson, and Messieurs Desaunier, Lacoste, and Taché; they accordingly waited until one o'clock, and then directed him to report the same to the House at its next sitting;

And, further, that the Committee met this day, but Messieurs Dickson and Lacoste being again absent, they were obliged to adjourn.

County of West Halton Election.

Mr. Williams, Chairman of the Select Committee, appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton; reported that the Committee met on Saturday last, at twelve o'clock, pursuant to the Statute; but in consequence of the absence of Mr. Lacoste and Mr. Chabot, Members of the Committee, they were unable to proceed to business.

And, further, that the Committee met this morning, at ten o'clock, pursuant to adjournment, but Mr. Lacoste being again absent, they were obliged to adjourn without proceeding to business.

County of Oxford Election.

Mr. Chauveau, Chairman of the Select Committee, appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal; complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford; reported that the Committee met on Saturday last, at twelve o'clock, pursuant to the Statute; but in consequence of the absence of Mr. Bertrand, Mr. Dickson, and Mr. Lacoste, Members of the Committee, they were unable to proceed to business.

And, further, that the Committee met this morning at ten o'clock, pursuant to adjournment, but Mr. Bertrand, Mr. Dickson, and Mr. Lacoste being again absent, they adjourned without proceeding to business.

Members to attend in their places.

Ordered, That Mr. Dickson, Member for the County of Niagara, Mr. Desaunier, Member for the County of St. Maurice, Mr. Lacoste, Member for the County of Chambly, Mr. Taché, Member for the County of L'Islet, Mr. Chabot, Member for the City of Quebec, and Mr. Bertrand, Member for the County of Rimouski, do severally attend in their places in this House to-morrow.

Magdalen Islands Bill.

Ordered, That Mr. Christie have leave to bring in a Bill relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Gaspé Marriages Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to make provision for the legal proof

of certain informal marriages had, anterior to a certain date therein mentioned, before Justices of the Peace, and others, in the Inferior District of Gaspé, as ratified by Act of the Legislature of Lower Canada, but whereof no Register or Records have been kept, and for recording the same, including also certain births or baptisms and burials in the said District.

He accordingly presented the same Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Gaspé Municipalities Bill. *Ordered, That Mr. Christie have leave to bring in a Bill relating to certain Municipalities in Gaspé not regularly established according to Law, and to remedy the defect, and for other purposes.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Gaspé General Peace Bill. *Ordered, That Mr. Christie have leave to bring in a Bill for the better Administration of Justice in the General Sessions of the Peace for Gaspé, and to prevent charges upon the treasury of the Province for unnecessarily summoning Jurors thereto.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Annual Visitation Bill. *Ordered, That Mr. Christie have leave to bring in a Bill for the annual visitation of certain Institutions in this Province, maintained in whole or in part at the Public expense; and for causing reports of the state and condition thereof to be annually laid before the Legislature, and for preventing abuses therein.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Speech considered. *The order of the day for taking into consideration the Speech of His Excellency, the Administrator of the Government, delivered to both Houses of the Provincial Legislature, at the opening of the present Session, being read,*

The House proceeded accordingly to take the said Speech into consideration.[1]

COL. PRINCE[2] rose to move a series of Resolutions in answer to the Speech from the Throne. Whatever difference of opinion might be expressed upon other paragraphs of the Address he had the honor to move, he believed the first would be carried unanimously; and he trusted that such would be the case with all.[3] He (Col. Prince) had to congratulate the House, he had to congratulate the country that so noble and distinguished an individual as ((Lord Cathcart)) the present Administrator of

the Government was appointed to govern this country;-he (the Administrator) was no stranger; his Father's name was well known on the pages of history; his own name was well known on the pages of history; he was not alone fit to govern as a Military man and if he were only so far qualified still would he be equal to the task provided he had the dispositions (sic) to carry out the system of Responsible Government, the only system in his (Col. Prince's) opinion, under which a people could thrive.[4] Schooled, as His Excellency had been, under the best tutors, the great Duke of Wellington - not only the greatest warrior but one of the most consummate Statesmen of the age - the man who was at one time not only a Minister of the Crown, but the only Minister of the Crown, and one who conducted the affairs of the nation through a difficult and a dangerous crisis - schooled, he said, under such a tutor, no man could doubt that[5] the noble man at the head of the Government had been well schooled for governing; he possessed that excellent quality for one in his station, firmness of purpose; he had served in the place to acquire it, he had experienced the power of that quality under the Duke of Wellington[6] ((and)) he would not be found wanting in other qualifications.[7] Having said this much on the subject of the appointment of the Administrator of the Government he (Colonel Prince) would proceed to the next resolution with feelings of the deepest regret feelings shared in by the people of Canada generally - it referred to the departure from amongst us of Lord Metcalfe[8]. For himself, he could not help admiring the great qualities of Lord Metcalfe, nor appreciating duly the high services which he rendered to this Colony. The most unfeeling being in the world could not but regret the melancholy cause of his departure[9] (hear, hear, hear). The most liberal minded, the least liberal minded, man in Canada could not but regret that we were so unhappily deprived of the able, zealous, loyal and great services of so good a man[10], gifted as he was by nature with such great talents[11]. He, Col. Prince, was satisfied there would be no difficulty in coming to a resolution of regret for the loss of such a man; why should there be any difficulty[12] ((in praising)) him whom the East and the West had united to honour, and the merchant princes of the Indies, and their warriors and their statesmen, had joined to praise? The history of Lord Metcalfe's sojourn in Canada had been a continuous course of unbounded charity and generosity[13]. Did any one ever approach him needing relief who did not obtain it? Did any man in his situation before give more to allay distress? - was he ever exceeded in attention to the duties of his position?[14] In his administration of the Government, whatever difference of opinion there might be upon the wisdom of his measures, all must acknowledge the right principles by which he was actuated; no Governor could have been more zealous in the discharge of his duties, none more desired the happiness and prosperity of the Colony over which he was called to preside. He left it, followed by the gratitude of ... all, a gratitude to which he was wholly entitled, and he (Colonel P.) hoped that one and all would unite in paying him the tribute of affection and gratitude contained in the third paragraph, if they did not do so, he felt they would be wanting in justice to his Lordship, in justice to themselves, and the best feelings which animate the human breast.[15] He (Col. Prince) was surprised, he did not say it reproach-

fully, that since His Lordship left Canada no addresses have been sent after him[16] - an omission which might be attributed to a wrong cause; the Western District had set an example to the rest of Canada in that respect.[17] There were many districts more wealthy ... that should have imitated the act of the latter in that regard, and he would again say that it was not so. The hon. member concluded this part of his speech by declaring that he "did not believe there was a greater statesman, a better Governor, or better man than Lord Metcalfe,"[18] ((who had ever)) presided in a colony. With regard to the Militia Law, he (Col. Prince) had the most unbounded confidence in the loyalty of the colonists, in their devotion to the Mother Country, and their determination to preserve their connection with it[19]. But no one knew better than did the Speaker of that House, none was more competent to judge of the present disorganized state of the Militia; bravery was no good, indeed it was often most dangerous, unless it was well directed; brave men wanted good commanders not only to take them into battle but also to take them out when it was necessary.[20] He (Col. P.) knew the state of the Militia of Upper Canada, and he was well aware that it was at present inefficient, and he should be glad to see any measure introduced which would put that force upon an efficient footing. But while he wished this, he trusted that their services would not be called for; he sincerely trusted that there would be no war between Great Britain and the United States; he believed that it would be the greatest curse, the most afflicting calamity which could happen to both countries and to this Colony. He trusted that the world had become too civilized, that it was too far advanced in morality to go to war about trifles. But if such a calamity were to occur, it was upon the Militia of the Province that the greatest dependance (sic) was to be placed for the defence of our homes and the honour of the British Empire. It therefore behoves that House at an early period of the Session to take the Militia Law into consideration and to endeavour to form an efficient, economical, well organized force, but not beyond its merits or deserts. With regard to the assurance of His Excellency, of the protection which the Mother Country would be prepared, in case of need, to extend to this Colony, he felt grateful for that assurance, and he had no doubt that that protection would be commensurate with the power of the greatest empire of the world, as it had been upon previous occasions. Upon the subject of the Civil List, he thought there could not be two opinions; no men deserved more of their country than its public officers, and upon the continent of America none were worse paid[21]. In all countries Ministers made great sacrifices, and if there was a country in which, more than another, Ministers made great sacrifices, it was this; he thought therefore, that the subject ought to be attended to, and hoped that such an address to the Queen would be adopted as might cause the requisite alteration in the Union Act for the settlement of the question. Respecting public improvements, it was known that much was on hand in the Province - that Parliament has sanctioned them - that money had been borrowed in England, and that that money had been sent without commensurate improvement, but that should not operate to prevent further loans. Roads and other means of communication should be proceeded with; they were facilities to our

revenue, and induced strangers to come amongst us and contribute by their means and energies to advance our country. Let no man shudder at the idea of taxation; no good could be done without it, no country ever improved without it, and the Minister who would dread it and shrink from it was not fit for his place. The hon'ble member then alluded to the present flourishing condition of the revenue, as was shewn by the documents furnished to the House. The next subject which he (Col. P) met with in the speech was truly a mournful one, that was the conflagration at Quebec, none sympathised (sic) more with the sufferings of the people of that city than did the inhabitants of Upper Canada; he (Col. Prince) was delighted with the general good feeling towards the sufferers which was manifested; in the distant region to which he belonged much could not be done, they were a poor people, but human nature could not prompt more than was felt and he (Col. Prince) never gave, or never would give, a vote more readily than that which would be given towards the further relief of the citizens of Quebec.[22] The sympathy of Great Britain had been nobly displayed, and he was glad to see that sympathy it would show to the people of Canada that their fellow subjects in Great Britain did indeed feel that there was a bond of brotherhood between them, that there was a reciprocity of feeling between them as subjects of the same mighty empire.[23] The next topic to which the hon. member adverted was Sir Robert Peel's new policy; he agreed with the Administrator of the Government in saying that it would be premature to anticipate how Canada would be effected by the late changes; but, he did not see such great cause of alarm; he was one of those who advocated Free Trade[24], he did not even except tobacco[25]. The agriculturists of Canada might be temporarily deprived of some advantages which they now possess; they might not in future be able to send to the Mother Country as much wheat as they had been accustomed to do; but what of that?--they were not bound down to the growing of wheat alone[26]. There were other sources to which they should turn their attention, - there was the growth of Hemp in which no country could do more than Canada, why then should England be obliged to send to Russia for that article, - then there was the Wool of Canada - why not attend more to that, in both W. and E. Canada a great deal might be done in that particular; he (Col. Prince) thought and hoped that the Farmers of Canada would, like those in England turn their attention to science to meet the exigencies of the day, turn from the dung cart to science[27]. The farmers of Canada, and he was one of them, should not be cast down by the policy introduced by Sir Robert Peel; they had no cause to despair; a little exertion would conquer the disadvantage, and they would find in the end that they were not going to be ruined by free trade. And the people of Canada might depend that whatever might be the policy of the Home Government, or whatever measures were brought forward there, that there would be a just regard had to the interests of this Colony.[28] The hon. member next adverted to that part of the close of the Speech which referred "to the rising growth of this rapidly improving colony"; he was delighted to read that passage, he trusted that the eyes of the

Administration, that the eyes of the country at large were open to the necessity of improving the grand resources of Canada; she possessed as great advantages as any country in the world, - her splendid lakes[29], immense rivers, a fruitful soil, and a genial climate[30], rendered her one of the best adapted countries in the world for the sustenance of man, but, all would be useless unless the Government of the country would do its duty, and unless social kindness would take the place of dissension and the united people proceed hand in hand together[31]. Since the last meeting of Parliament, thousands upon thousands of acres of land, in the Western District, had been discovered to contain minerals of a vast value. Upon the north shore of Lake Superior, copper mines had been discovered sufficient to supply the whole of England.[32] Five years ago he (Col. Prince) had ascertained the existence of this important source of wealth, but when we had no united Parliament, the little Parliament of Upper Canada could not aid in its developement (sic); he hoped, however, that now such an extent of advantage would not be neglected.... A part of it was brought out under his (Colonel Prince's) superintendence, and at his expence; facilities should be immediately afforded for bringing it into full play; no narrow policy should be adopted, - Ministers should not start back, - they should look well to it, they should attend to the granting of licences[33] with no niggard hand[34], to all who would apply to them[35]. He called upon Ministers to encourage every commercial speculation, and the promotion of railways, as in England, where[36] because the public voice demanded it[37], old prejudices were disregarded, and the Park of the Noble was not allowed to stand in the way of commercial advancement.[38] He (Col. P.) lately saw that seven hundred applications for railroads had been entertained.-- Whatever project private enterprise chose to embark in, there should be no refusal; if injury occurred, it would be not to the country but to individuals; there should then be no hindrance to operations to draw forth the revenues of the country, no matter whether it was railroads or mining schemes. The hon. member concluded by again alluding to the necessity of action on the part of the Government and union amongst the people in order to promote the public good[39]. With these remarks, he begged leave to move the resolutions.[40]

That an humble Address be presented to His Excellency the Administrator of the Government, to thank His Excellency for his gracious Speech from the Throne at the opening of the present Session, and to assure His Excellency,

That this House respectfully offers to His Excellency its congratulations on his assumption of the Government of this Province as Administrator, and on the determination of Her Majesty to nominate His Excellency as Her future Representative in this Province.

That this House concurs with His Excellency in expressing sincere regret at the painful cause which removed His Excellency's distinguished Predecessor from a station, the duties whereof he discharged with a zeal and ability that on every occasion won for him the highest approbation of His Sovereign, and the respect and gratitude of the people over whom he presided as Her Representative.

That this House will thankfully receive Her Majesty's most gracious replies to the several Addresses which were adopted during the last Session of the Legislature.

That the early attention of this House will be directed to the state of the Militia Law, the re-organization of which is, as His Excellency informs us, rendered more immediately necessary by the unsettled state of the negociations (sic) which have for some time been carried on between the Imperial Government and that of the United States of America.

That this House begs leave to assure His Excellency that Her Majesty may rely, with the most unbounded confidence, that the loyalty and patriotism of every class of Her Majesty's Subjects in Canada, will be as conspicuous as they have heretofore been, should occssion (sic) call for their services, to aid in the protection of their country; and that this House is sensible of the necessity of a well digested and uniform system to give a fitting direction to their most zealous efforts.

That this House accepts with gratitude His Excellency's assurance, that while Our Most Gracious Sovereign will ever rely on the free and loyal attachment of the Canadian people for the defence of this Province, and the continuance of British connexion, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

That the subject of the Civil List, which was brought under the consideration of this House by His Excellency's Predecessor, will engage its attention, with the view of making such a provision as will enable Her Majesty to give effect to its wishes by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

That this House will immediately take into consideration the Financial Accounts of the past as well as the Estimates for the current year.

That the necessity of providing for the prosecution and completion of the Public Improvements undertaken with the sanction of Parliament, will occupy the deliberation of this House.

That it affords this House pleasure to know that the revenue of the past year has not fallen short of the expectations which were entertained of its amount; and that this House assures His Excellency of its willingness to make such provision for the public service, as the interests of the people may require.

That this House deeply deplores the unexampled calamity to which the ancient City of Quebec has been subjected, and assures His Excellency of its readiness to concur in such indispensable measures as His Excellency's Predecessor adopted on the exigency.

That this House gratefully acknowledges the sympathy and benevolence of the different portions of the British Empire, called forth by the infliction with which it pleased Divine Providence to visit the citizens of Quebec; and most fully appreciates the noble generosity which has been exhibited, and which has truly proved that the inhabitants of this Province are regarded by the people of Great Britain as their brethren and fellow subjects; and that it will be happy to consider any other measure

which it may be proper to adopt for the restoration of that which has been destroyed.

That this House is sensible of the importance of the intelligence which has been received respecting the intended change in the commercial policy of Great Britain, and rejoices to hear that His Excellency has already pressed on Her Majesty's Government a consideration of the effect which the contemplated change might have on the interests of Canada, and sincerely hopes that when the projected scheme shall be fully developed, it will be found that the claims of this country to a just measure of protection have not been overlooked.

That this House thankfully receives the offer of His Excellency's co-operation in all measures for securing the prosperity of this Province, and earnestly trusts that under the direction of an All-wise Providence, a course will be pursued calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.[41]

M. Prince ayant terminé, se tourna vers M. McDonald de Stormont pour lui demander s'il voulait seconder sa résolution[42].

M. D. MACDONELL refusa.[43]

M. SMITH de Frontenac s'offrit[44].

M. DEBLEURY ... demandait ((l'honneur))[45]. ((He)) fully agreed with the sentiments of the Hon. mover of the resolution, and rose with pleasure to second his motion. It was not his intention to enter at present into the merits of the various subjects which had been so ably treated by his Hon. friend[46] ((and so)) he would not then occupy the time of the House[47], but he felt assured that before closing this debate an opportunity would be afforded him of doing so, and he should reserve himself until then.[48]

(5)

Address in answer to Speech.

Mr. Prince moved to resolve, seconded by the Honourable Mr. DeBleury, That an humble Address be presented to His Excellency, the Administrator of the Government, to thank His Excellency for His gracious Speech from the Throne at the opening of the present Session, and to assure His Excellency,

That this House respectfully offers to His Excellency its congratulations of his assumption of the Government of this Province, as Administrator, and on the determination of Her Majesty to nominate His Excellency as Her future Representative in this Province.

That this House concurs with His Excellency in expressing sincere regret at the painful cause which removed His Excellency's distinguished predecessor from a station, the duties whereof he discharged with a zeal and ability, that on every occasion won for him the highest approbation of His Sovereign, and the respect and gratitude of the people over whom he presided as Her Representative.

That this House will thankfully receive Her Majesty's most gracious replies to the several Addresses which were adopted during the last Session of the Legislature.

That the early attention of this House will be directed to the state of the Militia, the re-organization of which is, as His Excellency informs us, rendered more immediately necessary by the unsettled state of the negociations which have for some time past been carried on between the Imperial Government and that of the United States of America.

(6)

That this House begs leave to assure His Excellency that Her Majesty may rely, with the most unbounded confidence, that the loyalty and patriotism of every class of Her Majesty's Subjects in Canada, will be as conspicuous as they have heretofore been, should occasion call for their services, to aid in the protection of their country; and that this House is sensible of the necessity of a well digested and uniform system to give a fitting direction to their most zealous efforts.

That this House accepts with gratitude His Excellency's assurance, that while Our Most Gracious Sovereign will ever rely on the free and loyal attachment of the Canadian people for the defence of this Province, and the continuance of British connexions, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

That the subject of the Civil List, which was brought under the consideration of this House by His Excellency's Predecessor, will engage its attention, with the view of making such a provision as will enable Her Majesty to give effect to its wishes by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

That this House will immediately take into consideration the Financial Accounts of the past, as well as the Estimates for the current year.

That the expediency of providing for the prosecution and completion of the Public Improvements undertaken with the sanction of Parliament, will occupy the deliberation of this House.

That it affords this House pleasure to know that the Revenue of the past year has not fallen short of the expectations which were entertained of its amount; and that this House assures His Excellency of its willingness to make such provision for the Public Service, as the interests of the people may require.

That this House deeply deplores the unexampled calamity to which the ancient City of Quebec has been subjected, and assures His Excellency of its readiness to concur in such indispensable measures as His Excellency's Predecessor adopted on the exigency.

That this House gratefully acknowledges the sympathy and benevolence of the different portions of the British Empire, called forth by the infliction with which it pleased Divine Providence to visit the citizens of Quebec; and most fully appreciates the noble generosity which has been exhibited, and which has truly proved that the inhabitants of this Province are regarded by the people of Great Britain as their brethren

and fellow subjects; and that it will be happy to consider any other measure which it may be proper to adopt for the restoration of that which has been destroyed.

That this House is sensible of the importance of the intelligence which has been received respecting the intended change in the commercial policy of Great Britain, and rejoices to hear that His Excellency has already pressed on Her Majesty's Government a consideration of the effect which the contemplated change might have on the interests of Canada, and sincerely hopes that when the projected scheme shall be fully developed, it will be found that the claims of this country to a just measure of protection have not been overlooked.

That this House thankfully receives the offer of His Excellency's co-operation in all measures for securing the prosperity of this Province, and earnestly trusts that under the direction of an All-wise Providence, a course will be pursued calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.

MR. JOHNSTON[49] begged to ask the Hon and gallant mover whether he would consent to strike out that part of the first paragraph, expressing satisfaction at the appointment of Earl Cathcart. He (Mr. Johnston) had no idea of being governed by military men. If we were going to Oregon or Texas he might be satisfied with a military man, but what does Earl Cathcart know of our agricultural interests? Let his Hon. friend consent to strike out these obnoxious words, othewise (sic) he would move an amendment. The Hon Member having asked several friends, and appealed to the opposition in vain for a seconder, was obliged to resume his seat.[50]

MR. BALDWIN[51] regretted being under the necessity of proposing an amendment. As a general rule, he would prefer making such remarks on the speech as he felt that the interests of the country required, without dividing the House on an amendment. Especially he would have wished to take this course on the occasion of the arrival of a new Governor. But he felt that one of the paragraphs of the Speech contained sentiments to which he and his friends who had joined with him in voting for an amendment to the address of last Session could not, with a regard to consistency, allow to be recorded without a division.[52] He was not anxious to do more than preserve his character from the imputation of inconsistency. Having made these remarks he would proceed to the matter. It will be readily perceived he alluded to the portion on which the hon. member for Essex had descanted at some length, and it did not lessen his embarrassment, for it rendered some remark necessary. The Representative of the Sovereign, over the appointment of whom the House exercised no control, was named by Her Majesty[53], ((and)) having no responsibility whatever to us, he (Mr. B.) desired on all occasions to treat him with the utmost respect. It made no difference to him who was the object of the royal favour.[54] He was desirous of paying[55] whomsoever his sovereign might be pleased to appoint as her representative[56] every courtesy, whether on receiving him on his first arrival or bidding him farewell;

and he was always willing to pay him all the marks of respect - (hear, hear) - which became one member of the Legislature to offer to another.[57] In this sentiment he was sure all his friends concurred, (Hear.)[58] But when he considered the circumstances in which the late Governor General came and left, when he recollected that an amendment had been submitted to the address last session, it was impossible to concur in the third resolution[59], ((in which)) allusion ((was)) made to lord Metcalf's (sic) happy and successful administration of the government[60]. He (Mr Baldwin) did not believe as to its truth, and when he considered the course pursued by the late Governor General he felt compelled to submit[61] the amendment he held in his hand[62] - an amendment which he would now read -[63] to save himself[64] and friends[65] from the appearance of inconsistency. There was one portion in which all would agree - and that was in deploring the calamity[66] under which that distinguished Nobleman was now suffering - in that every body must concur[67] and he had therefore preserved that portion of the paragraph referring to it - he proposed then to strike out the third paragraph and to add to the second "and concur with His Excellency in expressing similar regret at the painful cause which has removed His Excellency's predecessor from that high station." With reference to the second paragraph[68] congratulating His Excellency on his appointment to the Province, he had no great difficulty in concurring. Certainly, if he looked back to history, they had no great reason to be satisfied with military governors. But he was perfectly ready to say that he did not think that from having been employed in either a military or naval capacity, he would not administer the government according to the constitutional principles, by which alone the colony could be governed.[69] He (Mr. B.) believes that the old objection to military governors had arisen from their exercising their prerogatives without control.[70] He would look back when the will of the Governor was arbitary and not checked by constitutional principles, but now they were registered on the journals of the House, ... he[71] looked forward to better things and he hoped that principles would in future be adhered to - the time for experiments was gone by. If the Governor was unacquainted with[72] the principles by which he can best perform his duty to the province[73], he would, he (Mr. B.) felt assured, make himself acquainted with them[74]. He (Mr Baldwin) for one, when he looked upon the political education of the late Governor General, thought the quarter of the globe whence he obtained it, not the spot the most to be admired, and a military education would inculcate principles less objectionable than the eastern dominions where the late Governor-General learned his.[75] He (Mr. B.) would say that he did not believe it would be possible for any governor, military or naval, to have a worse political education than the late governor had had in India - and the allusion therefore to his Indian career[76], by the member for Essex[77], was in his (Mr. B's) opinion most unfortunate. He (Mr. B.) had no apprehensions for the future because he felt that[78] a spirit was over the Province which would insist on constitutional Government[79] in spite of the personal predilections of the governor.[80] There would not be again as of late years an entire abandonment of constitutional principles, no more

experiments would be tried.[81] He however would give the present governor credit for the best intentions and found no difficulty whatever in assenting to that part of the address. -[82] He would not say he concurred in the expediency of the policy which alluded to the motives which rendered necessary the organization of the Militia. It might seem to some that a little more delicacy might have been used[83], after the caution displayed by members of the Imperial Government, to refer to the United States ... ((than)) had been done[84], but he would admit the position of affairs made some difference, and he was therefore ready to acquiesce, that[85] the militia force should be made effective -[86]. It was a duty that they owed to their sovereign, their own firesides, and themselves. There was little doubt but that the Militia, whether of Upper or Lower Canada, would perform their duty[87] if called on; they have never been backward in defending their country from a foreign foe[88]. We want no foreign bayonets here, (continued the hon. gentleman,)[89] to redress ... ((our)) grievances; no, ... ((we)) are proud of ... ((our)) institutions -[90], our institutions are our own, and we need no assistance.[91] ((Canadians are)) proud of their connection with the mother country, and they desire no aid from foreigners.[92] He received with gratitude, and he was sure that the people of Canada would so receive the assurance of the protection which in the event of war, Great Britain was prepared to accord them. He was proud of the connection of Canada with that mighty Empire; he loved the Mother Country, but he loved the soil on which he lived better.[93] He (Mr. B.) said that as a Canadian[94], his anxiety for Canada,[95] was the idol of his idolatry, and it was because he believed that the best interests of Canada would be promoted by its connection with Great Britain,[96] ((that)) he advocated that connexion as the best source of prosperity[97], that he wished that connection to continue[98], ((and that)) he spoke as he did.[99] With regard to the commercial changes he had no fear;[100] he did not think that the liberal principles springing up at home would be an injury to this Province;[101] he was convinced ... ((they)) would prove advantageous, and even on looking back on all they had suffered, for they had suffered,[102] he believed that experience would prove that however like[103] a cruel step mother[104] Great Britain might have acted to her Colonial children in former days, they would receive better treatment from her now, and she had no desire to oppress them[105] but to govern liberally and fairly. He was a warm advocate for that connection, and he was proud to see the Mother country strech (sic) forth her strong arm of empire for assistance and defence.[106] With regard to the Civil List, he could only say that he was ready to enter on the consideration of that subject, and he hoped it would be brought to a satisfactory settlement. All feel the unconstitutional position in which that question stands, and the sooner it is placed on a more constitutional one, the better.[107] He was glad the Provincial Revenue had turned out so satisfactory - as it seemed they were to give credit to the mighty schemes of Railroads and then they would want every shilling.[108] Indeed, he doubted whether the hon. member for Huron would be able to meet the numerous demands on him. (Hear, hear.) -[109] He would also allude to one paragraph,[110]

with regard to public improvements.... He would suggest the alteration of the word "necessity" which appeared to him to pledge the House to a certain course without its having information before it.[111] He would not make an amendment for probaly (sic) the hon. member for Essex would admit the alteration that was relative to the House pledging itself on money matters, without the details being laid before them.[112] With regard to the fires at Quebec,[113] the honorable member ... expressed his sympathy with their misfortunes[114]. In or out of the House he would render any assistance in his power; he rejoiced at the sympathy shewn in England and felt grateful as a Canadian, to the government and people.[115] They had indeed shown that they felt for the sufferers as brethren.[116] He declined entering upon the commercial relations with England, till more should be known, and stated that when Ministers prought (sic) forward a measure, he should be in his place to support or oppose it.[117] Changes were about to take place, but[118] he hoped that all would rise superior to any difficulties that might arise.[119] The protection system was necessarily one only of a day.[120] It must be recollected that every one ought to have been prepared to admit that ... ((it)) must one day have been abandoned, and it had certainly come earlier than was expected.[121] We had a splendid agricultural country and to despair would be neither consistent with our characters as men or as citizens.[122] He would add that all should rise above the present difficulties and if they did not, their posterity would if they would only cordially co-operate.[123] He (Mr B.) was ready to thank his Excellency for his promised cooperation which he had no doubt of. He (Mr. B.) must now refer to the ... omissions in the speech. The Ministers had last session disposed of but a small part of their bill of fare[124], and when he considered the period that had elapsed before calling them together at the very last hour, there were some remarkable omissions. It had long been admitted that the assessment laws required alteration, and the municipal institutions[125] ((in)) Upper Canada[126] needed to be amended - that the courts of Justice in Upper Canada ought to be reformed; snd (sic) as the Attorney General had committed himself on the point of the judiciary of Upper Canada; he was surprsed (sic) it had not been recommended in the speech.[127] There then was the University Bill, a measure thought of such great importance when the hon. member for Megantic had been sole minister.[128] ((It had been a)) subject of great importance last session,[129] earnestly looked for by the country[130], and of an importance to cause a loud out-of-doors discussion at the disruption of the late ministry[131]. All must recollect the boasts made that it would be satisfactorily settled. (Hear, hear, hear.) - It is true that when we last met, Ministers came down with a measure, but how was it disposed of? The Hon. Attorney General was promoted from the Legislative Council to this House and coaxed his supporters to vote for its second reading, but what was its fate? He need not remind the House of it -[132] it was then shelved. This much talked of subject was left entirely out of consideration. Some of the gentlemen opposite were pecuilarly (sic) grateful and several were loud in their anxiety[133]. Many ... were, he believed, honestly desirous to settle this question. What must they think now? It had dropped a peg at

least this session - possibly dropped altogether. At all events, much of its importance was taken from it by its not being recommended in the speech from the throne. - We on this side have a right to complain on general principles. Hon. members on the other side have a still greater right to complain,[134] ((and)) many ... felt that they had not been treated as they ought to have been[135]. He had fulfilled his duty in pointing out a few of the serious omissions in the Speech,[136] however, the only amendment he should move, seconded by Mr. Aylwin would be to the third resolution.[137] ((He)) would now, to prove himself and friends free from inconsistency, move his amendment.[138]

Amendment to Address in answer to Speech.

(6)

The Honourable Mr. Baldwin moved, in amendment, seconded by the Honourable Mr. Aylwin, that that part of the original motion, beginning with the words "That this House concurs with His Excellency in expressing sincere regret," and ending with the words "over whom He presided, as Her Majesty's Representative," be expunged, and the following inserted in lieu thereof:--"And concurs with His Excellency in expressing sincere regret at the painful cause which removed His Excellency's Predecessor from that high station."

MR. AYLWIN[139] had imagined that the Hon'ble Member who represented not the county of Richelieu or that of Montreal but the borough of Three Rivers, would have explained the circumstances under which he held office so long without a seat in either one branch of the legislature or the other.[140] ((Il)) demanda à l'honorable président du conseil de dire pourquoi, après avoir été rejeté par deux grands comtés, après être demeuré deux années en dehors des chambres, il se trouvait là comme président du conseil; qu'on avait droit à une explication de cette conduite étrange, inconstitutionnelle, et qu'il avait lieu de croire qu'il la donnerait cette explication.[141] Such an explanation was due to the country and to his own character; he thought he would have stood up; he was however deceived. The hon. member holds a high office, but he (Mr A.) would ask the nature of the political support which he brings to the government; he would ask his colleagues whether that hon. member brings them any support. Is he the man in case of hostilities, to induce his countrymen to come forward cheerfully to support the government? The people of this country, particularly the French Canadians, were loyal and attached to monarchical institutions, and would do their duty, but was it right that their feelings should be trifled with? Who in this House support the hon. gentleman, of his own origin?[142] He had not the support of those members ... with the exception of[143] his neighbour (Mr. Papineau,)[144] said to represent the County of Ottawa[145], ((Mr. DeBleury)) the hon. member said to represent the city of Montreal[146], and ((Mr. Taschereau)) the member for Dorchester ((men who)) it was true had French names, and honorable names, but he denied that they possessed the confidence or were representatives of French Canadian feelings.[147] But the hon. member represents the town of Three Rivers. Some 6 or 7 years ago the hon. member was as he said himself, in Her Majesty's College, that is the Montreal gaol - who was the keeper of that gaol? The

member for Three Rivers. There must surely have been a great change either in him or the people of Three Rivers. He (Mr. Aylwin) had a public duty to perform - the feelings of Her Majesty's subjects had been exasperated they had been again and again insulted, and was this last indignity to be inflicted on them - was the hon. member to keep the chair of ((the)) Executive Council when there was a possibility that there might be an appeal to arms? Some step should be adopted to do justice to so large a portion of the people. With regard to the address the hon. mover had spoken of the adoration paid to the late Governor and of his success in the East. He (Mr. Aylwin) was not disposed to pay adoration to any man nor did he much admire the system under which Eastern Nations were governed.[148] He had no desire to revive old sores. A successful war had been waged against himself and friends upon the principles upon which the Government should be carried on. For those principles they had suffered, and it was a little too much that they should be now called upon to testify their admiration of the conduct of the late Governor upon which they had resigned their seats. He thought it would have been in much better taste had the offensive paragraph been altogether omitted. He was disposed to give Lord Metcalfe every credit for his services in other countries, but he denied that he had acted in this Colony as became a Constitutional representative of the Crown.[149] With regard to the Militia, he (Mr. A.) would ask whether the country was satisfied with the appointments lately made? were even the gentlemen opposite satisfied with them? had they advised them? they were of course responsible for them, and especially for the dismissal of a gentleman not only from an office in the Militia but from the Militia itself. Hon. gentleman talk of Responsible Government being carried out, but look at the case of the hon. member for Huron. The qualifications of that hon. gentleman he had no desire to dispute but he would ask where was his political influence? He had never taken any part in public affairs, was not even generally known. Was no hon. member opposite fit to take that office? If not we were in a fearful state, and it was time to inform the Imperial authorities that we were mere infants. The hon. member proceeded to denounce the system that had been cunningly devised to put down the Ministry. There was no true representation of the people. In the United States although he (Mr. A.) did not like to look there for precedents there was a representation of the people but here we had members elected by constituencies of 50 or 60 individuals overbearing the public opinion of the country. There must be new blood infused into this house. He would again and in couclusion (sic) ask why there had been any allusion to the past why rake it up again unless to irritate us to induce us to say harsh things. The hon. member in conclusion referred to the resignation of the Attorney General of his place in the Legislative Council a course calculated to degrade that body - he (Mr. A.) wished to see it elevated. The hon. member for Simcoe ((Mr. Robinson)), too was here to support the administration after his course last session on the University bill and his consequent resignation. Is this Responsible Government?[150] He appealed against it to the Imperial Parliament[151], to men accustomed to the working of Responsible Government[152]; he appealed to Mr. Gladstone, the new

Colonial Secretary[153], whether it was ((Responsible Government)). He (Mr. A.) regretted that he had detained the House so long - it was not his intention to address the House during the present session unless when strong necessity required it.[154]

(6)

Division on Amendment. *And a debate arising thereupon,*[155] *and the question having been put on the amendment, a division ensued, and the names being called for, they were taken down as followeth:--*

YEAS.

Messieurs Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Desaunier, DeWitt, Drummond, Franchère, [illegible], Laurin, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Méthot, Morin, Nelson, Price, Roblin, Rousseau, and Taché.--(27.)

NAYS.

Messieurs Boulton, Brooks, Cayley, Chalmers, Christie, Colville, [illegible], Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Johnston, Macdonald of CORNWALL, [illegible], Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Papineau, Petrie, Prince, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Watts, Webster, Williams, and Woods.--(43.)

So it passed in the negative.

And a further debate[156] *arising upon the main motion,*

MR. PRES. EX. COUN. VIGER[157] made a ... speech in French[158].

((Il)) se leva et dit qu'il s'était proposé de garder le silence, mais que sur les interpellations des honorables membres qui venaient de parler, il devait donner les explications qu'on le sommait de donner. Qu'avant de parler du gouvernement responsable, il devait faire observer qu'on avait accusé l'administration de fautes de commissions et d'omissions, qu'il ne prétendait pas rappeler dans la discussion des souvenirs douloureux, mais que pour les violences dont parlaient les hon. membres, il les condamnait, qu'ils savaient que l'exécutif n'en pouvait être responsable, et que lord Metcalfe n'y pouvait être pour rien, que chacune de ces accusations viendrait en son temps, et qu'il espérait que les explications en seraient satisfesantes, qu'il était maintenant question de l'adresse et qu'il parlerait sur ce sujet.

Qu'il avait été surpris d'entendre l'hon. membre pour un des Ridings de York (M. Baldwin) se permettre des facéties, de plaisanteries sur un sujet aussi grave que celui d'une adresse, lorsqu'il s'agissait d'avis réciproques que se donnent un gouvernement et les représentants du peuple; qu'en Angleterre, rien n'était plus grave, plus solemnel que ces débats. Dans le cours de ses remarques, M. Baldwin avait observé que le gouvernement responsable avait été formellement reconnu dans cette colonie, Mr.

Viger prenait acte de cette déclaration; à qui la devait-on cette reconnaissance formelle de ce système du gouvernement responsable. C'est à lord Metcalfe que depuis déjà près de trois ans on ne cessait de calomnier, c'est à son ministre qu'on accuse tous deux d'en être les ennemis, pendant qu'ils en ont été les plus fermes soutiens, pendant qu'il avait présenté sous des points de vue, plus favorables aux libertés publiques, que l'adresse même de la chambre paprobative (sic) des ci-devant ministres; c'est ce que lui M. Viger avait prouvé, et qu'on n'avait pas réfuté, qu'on ne pouvait pas réfuter; que ce n'était pas la vanité qui le fesait parler de la sorte, qu'il ne se croyait pas des talents, ni des lumières supérieurs (sic), mais qu'il avait pour lui la justice et la vérité, et qu'on est fort avec ces deux auxiliaires, aussi personne n'avait-il entrepris de le réfuter.

Des hon. membres avaient parlé de la conduite de lord Metcalfe dans les Indes; prétendaient que l'administration de ce pays n'était pas une école pour se former à la conduite d'un gouvernement constitutionnel. Mais ils devaient se rappeler que pendant trente ans, lord Metcalfe y avait été revêtu de fonctions de la plus haute importance, chargé des missions les plus délicates; qu'enfin il avait traité avec les Princes souverains de l'Inde, qui n'étaient pas alors au degré d'abaissement où ils se trouvent aujourd'hui, que cette circonstance suffisait pour lui faire supposer quelqu'expérience des affaires, que sa réputation n'était pas seulement Européenne, mais répandue dans l'univers; qu'il devait avoir quelque talent pour la rédaction, connaître l'importance de stipulation dans les traités, ne pas ignorer les conséquences d'une énonciation de principes pour un gouvernement, une administration.

La Province était redevable à Lord Metcalfe de la reconnaissance de ce gouvernement, il en avait fait l'aveu le plus formel, il en avait reconnu les conséquences d'une manière solennelle, plus solennelle peut-être qu'aucun gouvernement l'a jamais faite, il s'était mis dans l'impossibilité de pouvoir même l'ébranler, en avouant les résolutions de 1841, pour sa règle de conduite, il avait lié le gouvernement d'Angleterre qu'il représentait; et qu'a fait son ministre (Mr. Viger). Il a exposé ce système plus explicitement d'une manière plus claire et plus précise, il en a présenté l'étendue, les conséquences sous des points de vue plus favorables aux libertés publiques, que la majorité même de l'assemblée dans son adresse; pendant neuf mois, le gouverneur suspend la cassation du parlement pour offrir à la majorité de récomposer le ministère des mêmes matériaux, et cependant on les a dénoncés tous deux comme ennemis de ce gouvernement; mais comment les hon. membres peuvent-ils croire le gouverneur et son ministre capables de pousser l'extravagance jusqu'à vouloir détruire un gouvernement qu'ils établissent sur une base inébranlable. Les faits sont accomplis; et l'histoire dira que pour soutenir cette accusation d'avoir voulu renverser ce système de gouvernement, on a jeté la province dans l'effervescence, et qu'on l'a tenue dans cet état depuis déjà plus de deux ans.

On lui a reproché (à Mr. Viger) d'être l'objet de la haine de ses concitoyens, mais cette haine n'a été allumée que par d'atroces calomnies. Ce n'est pas la première fois qu'il subit une pareille épreuve; il peut

se rappeler que pendant trois ans, il s'est trouvé dans une aussi malheureuse situation. En 1812 on portait contre lui, les mêmes accusations; à propos du bill de milice, en particulier d'une clause qu'on lui attribuait pendant qu'il l'avait combattue; il avait dit-on, trafiqué du sang de ses compatriotes pour obtenir une place, les habitans le regardaient comme le meurtrier de leurs enfants. Mais l'erreur passe et la vérité reste. La providence lui avait fourni l'occasion de se venger par des bienfaits: on lui avait enfin rendu justice, et il comptait trop sur l'équité de ses compatriotes pour ne pas espérer de l'obtenir encore.

On avait grossièrement calomnié lord Metcalfe, on l'avait représenté comme le plus mauvais de nos gouverneurs; on l'avait comparé à Néron. Encore une fois, Mr. Viger ne voulait pas rappeler des souvenir d'amertume; mais il n'avait pas oublié que sous un des prédécesseurs de lord Metcalfe, il (Mr. Viger) avait pu, de sa prison, suivre la marche des troupes à la lueur de l'incendie qui dévorait nos villages et nos campagnes; il se rappelait qu'un autre avait reconnu la vérité de nos griefs, et que pour toute justice il avait demandé contre nous une sentence de mort politique; qu'un troisième n'avait triomphé que par la violence et le meurtre. Comparez maintenant la conduite de lord Metcalfe à celle de ces gouverneurs.

A peine a t-il pris les rênes du gouvernement qu'il fait cesser des poursuites criminelles relative (sic) aux troubles politiques.

Les hon. membres doivent savoir que c'est à lui que nous devons le retour de nos malheureux frères bannis dans l'extrêmité de l'autre hémisphère. On savait depuis longtemps que les démarches faites en leur faveur jusqu'alors, avaient été, qu'elles n'avaient pu être qu'infructeuses. C'est dans ces circonstances qu'il (Mr. Viger) prit la résolution de présenter la requête des femmes Pinsonault. Dans son entrevue avec le gouverneur à ce sujet, il put voir ce qu'avaient de bienveillance les sentimens du gouverneur à leur égard; il communiqua cette circonstance à MM. D. B. Papineau, John et Lacoste, qui se chargèrent d'avertir tous les intéressés, des pétitions furent présentées, et l'on sait quel empressement son Excellence mit à faire parvenir la nouvelle de leur pardon, avec quelle générosité il avait contribué à leur donner le moyens de revenir dans leur patrie.[159] "Croyez-vous qu'une âme si généreurse, qu'un si bon coeur fût capable de violer la constitution du pays?"[160]

Puis Mr. Viger fit remarquer sa conduite envers les miliciens. Des fautes, d'ancienne (sic) erreurs avaient privé notre jeunesse de terres qu'on avait promises à son dévouement, à sa loyauté, lorsque combattant sur les frontières elle avait conservé à la métropole cette colonie. Un citoyen que M. Viger ne peut nommer maintenant, mais qu'il pourra peut-être faire connaitre par la suite, découvre cette erreur, et lord Metcalfe s'empresse de réparer cette injustice. C'est encore un de ces crimes.

Les honorables membres ne peuvent pas ignorer ce qu'il a fait pour l'éducation; munificences pour cet object, pour les établissemens religieux, sans distinction, enfin ses charité (sic) pour les malheureux. Mr. Viger lui, le connaissait personnellement. Les honorables membres de cette partie de la province, lui devaient même l'avantage de siéger pour remplir

leurs devoirs législatifs, au milieu de leurs compatriotes dans Montréal.

Enfin pour combler la mesure de ses crimes, le dernier voeu, la dernière prière de lord Metcalfe, en quittant le Canada, le flambeau de la mort devant les yeux, est une supplique au ciel pour qu'il répande ses bénédictions sur ceux qu'il a gouvernés. Tel était le gouverneur auquel les honorables membres refusaient de rendre un témoignage dicté par la justice et la reconnaissance.[161]

MR. CAUCHON[162] ... addressed the House in French.[163] M. l'orateur, vous venez d'entendre une magnifique oraison funèbre d'un homme qui n'est pas mort, et qui certainement ne saura pas gré à l'hon. représentant de la petite ville des Trois-Rivières de l'avoir fait descendre dans la tombe avant le temps marqué par la providence. Le service funèbre est au complet, et pour achever la lugubre cérémonie il n'a plus manqué que le de profundis, et cette dernière prière que l'on donne au mort le pater et l'ave.

J'avais cru, lorsque l'hon. président du conseil s'est levé, pour répondre aux interpellations de l'hon. membre pour la cité de Québec (M. Aylwin), qu'il répondrait, en effet; qu'il mettrait dans les débats, cette gravité, cette solemnité, cette majesté, qu'en commençant il avait posées comme base de toute discussion parlementaire; qu'enfin il s'élèverait à la hauteur du sujet en débat, et que lui, premier ministre, viendrait dans un pareil jour, donner à la chambre et au pays les raisons qui peuvent l'avoir déterminé à accepter le pouvoir, et à demeurer pendant deux années entières dans la position la plus anomal (sic); et la moins constitutionnelle qui soit au monde. Mais non, il est venu nous parler de toute autre chose que de la question, de toute autre chose que de sa position, de toute autre chose que de son administration. Pourquoi? parceque (sic) depuis qu'il est ministre il s'est occupé de toute autre chose que de son devoir, de toute autre chose que de l'administration du pays. Il semble pourtant qu'un ministre, un premier ministre a quelque autre chose (sic) à faire que d'écrire des articles de journaux; et le public se serait fncilement (sic) passé des brillantes productions de M. Communiqué, si on les avait remplacées par des actes utiles et un bon gouvernement, lorsque le pays souffre péniblement du malaise et de l'état d'abaissement dans lesquels le placent depuis deux ans lui et ses collègues. Le vénérable président nous a dit, il est vrai, que lord Metcalfe, que je respecte beaucoup dans la vie privée, était un homme bon, charitable, plein de douceur et d'aménité, toujours prêt à secourir les malheureux de tout genre, et à sympathiser royalement avec toutes les infortunes humaines. M. l'orateur, tout cela est beau, tout cela est grand, ce sont des vertus que l'on aime à trouver et à respecter chez l'homme et le citoyen; mais nous ne venons pas siéger dans cette enceinte précisément pour y faire l'éloge des vertus domestiques de tel ou tel personnage. Nous y sommes appelés pour y législater, pour y défendre sauvegarder des principes et des institutions qui sont la base des libertés publiques, et conséquemment la source de prospérité et de bien-être intellectuel et matériel.

Encore une fois, l'hon. président du conseil a bien fait l'énumera-

tion des actes de bienfaisance du ci-devant gouverneur général et des siens propres; mais nous a-t-il dit quelque chose pour justifier l'inconstitutionnalité de sa position jusqu'au moment de l'élection des Trois-Rivières? Nous avons eu, il est vrai, ce soir le pendant de la "crise ministérielle." cette production ténébreuse et incomprise. On nous disait de lire cette crise et que nous serions convaincus. Eh! bien, je l'ai lue et j'avoue que j'ai éprouvé en la lisant l'une de ces crises violentes et momentanées que l'on ressent quelque temps après avoir pris certain remède. Je dois avoir l'honnêteté de dire que le purgatif était excellent, incomparable, puisque je me suis trouvé depuis parfaitement à l'aise. Mais c'était assez de la bonne chose, et nous nous fussions facilement passé (sic) des élucubrations de monsieur Communiqué.

De quel droit donc l'administration vient-elle demander le concours et l'appui des chambres et du pays? Est-ce pour la protection qu'elle donne au citoyen et à la propriété? Mais le citoyen n'ose plus même exercer son droit le plus cher, sa franchise électorale, dans la crainte de perdre la vie. Cette année a vue se renouveler les scènes sanglantes de l'année dernière; et sans doute lorsque les cris féroces d'une troupe de sicaires, viendront comme il y a douze mois troubler la sainteté de nos délibérations, un ministre répondra aux interpellations surgissant naturellement d'une pareille circonstance que le gouvernement ne sait ou n'est pas sensé savoir qu'il existe de pareilles infâmies dans la capitale des Canadas. Ces malheureux ministres ont des oreilles et n'entendent pas; ils ont des yeux et ne voient pas, ils ont des pieds et ne marchent pas. Cette ténébreuse et aveugle existence, cette surdité infâme, cette ignominieuse inaction, cette torpeur machiavélique que le pays le Bas-Canada surtout accuse avec indignation, finiront-elles? On a bien crié contre les institutions des Etats-Unis et surtout contre leur gouvernement qui ne savait pas ou ne pouvait pas protéger le citoyen et la propriété. Il y a en effet de ces scènes lugubres à déplorer (sic) dans le grand pays qui nous avoisine; mais Montréal, cette petite ville de l'Amérique britannique a-t-elle quelque chose à envier aux sanglantes orgies des grandes villes de l'Union. Là du moins le citoyen n'est pas obligé de donner sa vie pour sauver un droit, la franchise électorale. L'année dernière, tous les Etats-Unis étaient en élection dans le même temps, et cependant, pas un cri de mort n'a été poussé, pas un coup n'a été frappé, pas une menance n'a été proférée contre un homme d'un parti quelconque. Lorsque plus de cinq millions de citoyens ont ainsi exercé leur glorieux privilège, sans secousse, sans violence, ici l'on n'a pu procéder à des élections purement locales, sans que l'on ait eu à déplorer la mort de quelque citoyen. Tel a été le système suivi par cet homme si bon, si généreux, si charitable qui vêtissait ceux qui étaient nus, qui donnait à manger à ceux qui avaient faim, qui donnait à boire à ceux qui avaient soif; oui, il donnait à boire à ceux qui avaient soif, mais il leur donnait du sang!.... J'ai droit de porter une pareille accusation contre ceux qui permettent le mal qu'ils peuvent, qu'ils doivent empêcher. - Je le répète, quelle garantie de protection peut donner au citoyen une administration qui n'a ni la force ni la volonté de faire le bien et d'empêcher le mal.

Le vénérable président nous a dit qu'on l'avait accusé de commissions et d'omissions. Lorsqu'il n'a pas empêché le sang de couler, il était coupable de commission, car on peut équitablement l'appeler l'auteur des actes dont il est responsable. Maintenant pour les omissions. Quand, en ma qualité de journaliste, je reprochais à l'administration d'avoir exclu de la magistrature la population canadienne française, à Québec surtout, puisque sur 52 promotions on n'en comptait que 13 de Canadiens-français, dans une ville dont la population se compose des deux tiers de ces derniers, M. communiqué répondait dans un journal de Québec, si ma mémoire est exacte, qu'en ma qualité de représentant de peuple, je devais être chargé de cette injustice, comme si j'étais payé pour donner des renseignements et des suggestions à l'administration, comme si en ma qualité de membre de l'opposition, je devais être responsable des injustices, auxquelles aura été volontairement conduite cette administration, ou volontairement ou par les renseignements d'amis trompeurs ou dupes? Oh! c'est trop que d'être chargé des iniquités d'un gouvernement que je répudie de toutes les puissances de mon âme, et que je combattrai, s'il le faut, longtemps encore.

Je comprends maintenant pourquoi le vénérable président nous a dit que les gouvernements ne se guident pas d'ordinaire d'après les règles et les principes de la morale; mais c'était une vérité dont il pouvait s'épargner l'humiliant aveu; ses commissions et ses omissions la proclament assez haut malheureusement pour lui et pour nous à toutes les oreilles qui peuvent entendre.

Pourquoi ces hommes que je vois de l'autre côté de la chambre sont-ils là? quelle influence morale peuvent-ils y exercer quand ils sont sans appui, sans force, lorsqu'ils se sont laissé (sic) conduire et perdre par un subalterne, l'adjudant général des milices pour le Bas-Canada, qui, dans sa haine aveugle et basse a voué à l'isolement toute une population, toute une race? S'ils n'ont pas été forcément conduits à ces injustices par cet homme, ils l'ont été volontairement; alors ils ne sont pas seulement impuissants, ils sont méchants. Mais de deux choses l'une: ou vous êtes incapables ou il y a chez vous du machiavélisme; c'est un dilemme dont je vais essayer de vous dégager, car le mal est là incontestable, qu'il ait été produit par une cause ou par une autre. En présence de pareils faits, n'ai-je pas raison, n'ai-je pas droit de faire entendre dans cette assemblée où j'ai été envoyé par eux, de faire entendre, dis-je, les justes plaintes des hommes de mon origine? n'ai-je pas le droit, de concert avec ceux qui dans cette chambre parlent la même langue que moi, de demander une enquête sur la conduite d'un pareil fonctionnaire? Comme l'a si bien dit l'honorable membre pour la cité de Québec, on a isolé, humilié la population la plus monarchique qui soit au monde, celle qui tiendra encore aux idées monarchiques, quand toutes les monarchies auront dit leur dernier adieu au nouveau monde. Quand je parle ainsi, que l'on se garde bien de croire que je veuille faire raisonner dans cette enceinte les mots vides de loyauté et d'affection pour la mère-patrie. Je veux m'appuyer sur quelque chose de plus solide, de plus vrai, de plus rationnel: c'est dans la nature même des chose que je puise mon assertion. Le mot "loyauté" n'a pas été créé par nous, il existait bien avant nous. Il

avait été prononcé, mille fois répété par un peuple, qui émancipé de sa loyauté, prend aujourd'hui sa place au rang des grandes nations. Ce qui se fit alors pourrait bien se renouveler de nos jours, et les hommes les plus loyaux aujourd'hui pourraient s'émanciper, quand ils se sentiront assez forts pour secouer le joug de la tutelle. Mais pourquoi donc, tandis que les enfants nés de l'Angleterre lèvent l'étendard de la révolte et proclament leur indépendance; pourquoi en face de cette secousse violente, des enfants étrangers qui ne comptaient alors que quelques années d'adoption ont-ils refusé l'indépendance et la liberté qu'on leur offrait et qu'ils auraient pu obtenir? Croyez-vous que cela est dû à la loyauté, à l'affection proprement dites? Non. L'homme est incessamment porté vers la liberté, vers l'émancipation de tout pouvoir et de toute contrainte, alors, c'est une nécessité de sa nature intellectuelle comme de sa nature physique; et quand ses croyances le poussent dans le même sens, alors il va loin. Mais l'homme ne rompt pas facilement avec ses croyances, avec ses institutions, ses habitudes, ses moeurs et sa nature morale enfin, qui naissent invariablement de ses croyances et de ses convictions religieuses; voilà pourquoi les Canadiens-français sont stationnaires et monarchiques par excellence; voila pourquoi l'honorable membre pour la cité de Québec avait droit de dire que les Canadiens seront monarchiques et Anglais lorsque le glass funèbre aura depuis longtemps cessé de sonner pour annoncer le décès des monarches sur ce continent. C'est là, la seule espèce de loyauté à laquelle puisse et doive se fier le gouvernement britannique. Pourquoi donc maintenant insulter ainsi à une pareille population? pourquoi donc la forcer de prendre une autre attitude que son attitude normale? Rien que, l'année dernière, quelques-uns des ministres aient sacrifié leur langue à l'amour du pouvoir et des émoluments, je n'ose pas les croire encore assez méchants, assez corrompus, pour vouloir gratuitement l'anéantissement de leur race. Je veux croire qu'ils sentent encore couler dans leurs veines ce sang que l'on flétrit aujourd'hui avec tant d'acharnement. J'espère donc, et je ne suis pas le seul à espérer qu'ils feront bientôt, bientôt (sic) justice d'un pareil attentat à leur nationnalité (sic).

Que fait dans le ministère l'honorable député de l'Ottawa? Sont-ce es talents qui l'ont appelé à la haute position qu'il occupe? Non, ssurément non; du moins ses actes ne le prouvent pas encore? est-ce on influence politique? Mais, encore non, avant qu'on l'eut fait commissaire des terres, il n'était qu'un obscur député. Sont-ce ses principes enfin? Mais il sanctionna par son vote en 1843 la position prise par l'ex-ministère vis-à-vis du gouverneur-général lord Metcalfe. Tout ce qu'il pouvait dire pour justification, c'est qu'il se présentait une situation lucrative, et qu'il l'a trouvée bonne contre ses principes; voilà sa justification, car il n'en saurait trouver d'autre.

Eh! l'honorable membre pour le comté de Dorchester, lui aussi que fait-il là? Sont-ce ses principes politiques qui l'ont appelé aux fonctions de solliciteur genéral? Il n'en peut pas être ainsi, lorsqu'il avait déclaré solennellement au poll en me fesant opposition dans le comté de Montmorency, qu'il était ex-ministériel, et cela en présence d'un ex-ministre. Lui comme les deux autres, est-ce son influence politique qui

l'a placé dans l'administration? Mais vous allez voir que non. Il luttait contre moi, il proclamait son passé, du moins le passé de sa famille, et, il se disait des mêmes principes que moi. Moi qui n'avais point de passé, qui ne pouvait pas en avoir encore, qui ne comptais rien par mes ancêtres, qui n'avais pas non plus à montrer des cheveux blanchis au service de mon pays, (et je ne désire pas non plus voir mes cheveux blanchir s'il faut que ce soit au sacrifice de l'honneur et du devoir); je n'avais rien de toutes ces glorieuses recommandations, et cependant, j'ai triomphé par une écrasante majorité. Ensuite si vous me demandez pourquoi il a réussi à Dorchester, je vous répondrai que là il n'a pas eu proprement dit d'adversaire à combattre que celui contre lequel il luttait était hai dans sa localité, et que d'ailleurs avant (sic) eu le champ libre pendant plusieurs mois, il avait eu le temps de promettre des places de lieutenant colonel et autres petits honneurs. Ce ne peut donc être pour lui aussi que l'amour des situations lucratives qui l'a fait abandonner ses principes politiques! Fera-t-il mieux que l'honorable président du conseil? viendra-t-il franchement, loyalement expliquer une pareil (sic) transformation? S'il ne le fait pas, son silence sera éloquent contre lui.

N'allez pas croire messieurs que nous nous découragions de cette oppisition (sic) incessante que nous vous fesons. Nous sommes prêts à lutter dix ans, toute notre vie s'il le faut, tant que nous aurons de pareils hommes au pouvoir; notre position est belle, elle est celle du droit contre l'injustice. On a beaucoup parlé du système de gouvernement par deux majorités, et des journaux ministériels ont accepté ce principe de gouvernement comme le seul possible en (sic) Canada. Je ne veux ni discuter, ni apprécier cette question pour le moment; mais a-t-il été fait quelque chose dans ce sens, lorsque la majorité du B. C. est foulée au pied par la minorité de la province ci-dessus jointe à la majorité Haut-Canadienne? Non, on n'en a rien fait, parce que l'on veut rester au pouvoir, au risque même de jeter le pays dans l'abîme.

Je ne saurai terminer sans me tourner une dernière fois vers l'honorable président du conseil, et dire: N'est-il pas pénible de voir un vieillard aux cheveux blancs, après cinquante années de travaux et d'expérience, sur le bord de sa tombe, donner dans cette enceinte le spectacle, humiliant, dégradant, désolant d'une intelligence sur le déclin, et jeter ainsi au ridicule le plus parfait tout un glorieux passé. Je ne nie pas qu'il puisse y avoir des circonstances assez extraordinaires pour justifier une position telle que la sienne, la chose est possible, bien qu'inouie; mais qu'il l'a justifie, et qu'il ne vienne pas nous parler sans cesse de ses charités et de celles de son patron lord Metcalfe. Puisque l'on a parlé d'histoire et de toute autre chose que de la question en débats, permettez-moi de retourner vers le passé et citer un trait de l'histoire grecque adapté à la circonstance. Il y avait à Thèbes, un homme du nom d'Epaminondas, c'était le plus grand capitaine de son pays suivant La Loi de Thèbes, il avait été placé pour un mois à la tête des armées; mais nonobstant la loi il garda le commandement pendant quatre mois parce qu'il était intimement convaincu

que sa présence à l'armée était nécessaire au salut de la patrie. Mis en jugement pour une pareille infraction à la loi et peut-être sur le point d'être condamné à mort, il prononça ces remarquables paroles: "Je consens à mourir, pourvu que vous mettiez sur mon tombeau: Epaminondas a vaincu les Lacédémoniens sans le secours des Thebains." Ce grand homme fut de suite absous. Pourrait-on, de même, mettre sur la tombe du vénérable président "qu'il a sauvé son pays sans le secours de ses compatriotes."

Heureux seulement si l'on peut inscrire sur sa tome (je parle politiquement) cette épitaphe: Il fut coupable, bien coupable, il plongea son pays dans beaucoup de malheurs, pour satisfaire sa vanité; mais au moment solennel il a exprimé un repentir: "ayez pitié et priez."[164]

MR. CAMERON contended that the latter portion of the[165] third[166] paragraph which the motion of Mr. Baldwin was intended to amend was not founded on fact[167] ((and)) was sure ... to excite displeasure. He knew the reason why it was inserted, however. It was natural that a ministry who had been brought into existence by lord Metcalfe[168], ((and)) which had been supported by the personal influence of Lord Metcalfe, in defiance of the wishes of the people and their representatives[169], should wish to make capital of ((his)) name a little longer[170]; but it was a little too much to call upon that side of the House to express the((ir)) gratitude and admiration of his services. He denied that the people were grateful for his services; he denied that his administration had been successful.[171] How could this be said consistently with the state of the Parliament which he obtained, with its majority of one or two, and the counties of Oxford, and Middlesex, and West Halton, not properly represented, the elections for these places still being contested, and the fact of enquiries into other elections having been stifled. He (Mr. Cameron) would say further[172], if that house were fairly constituted, it would be found that the vast majority of the people thought they owed very little to the administration of lord Metcalfe.[173] He (Mr. Cameron) could however express regret, for the state of health which obliged Lord Metcalfe to leave this country; but he should protest against the paragraph of the address to which he had referred; he knew that that paragraph was a part and parcel of a system[174] of misrepresentation[175] pursued[176] for two and a half years[177] by Lord Metcalfe and his supporters in this country and in England[178], ((a system)) by which the question of supporting or opposing the government had been made a question of loyalty or disloyalty. This he declared to be insulting to the people of Upper Canada[179], ((who)) had been mis-led by such a system, they were made to appear as a people who could not be depended upon; but the people of Lower Canada in condemning the upper section would remember that the former people were deceived by appeals to their loyalty, in the late struggle the head of the Government stigmatised his late ministers with having attempted to sever the connection with the Mother Country - the people were afraid to act upon their opinion, they could not altogether disbelieve his Excellency, they expected and believed he would make certain disclosures to confirm his charges - the Hon. member for Essex

said that every loyal man would vote for the address, he (Mr. Cameron) would say that every sycophant would vote for it; he (Mr. C.) understood this allusion to loyalty, it was the old game[180], but he would tell that Hon. gentleman that, although he (Mr. C.) could not support the paragraph in question, yet any man who charged him with disloyalty, on that account, was guilty of falsehood[181] ((and)) he would pronounce this impugning of the loyalty of the opponents of Lord Metcalfe as a falsehood.[182] ((The people of Upper Canada)) who had no confidence in the present government ... were as loyal, or even more so, than the sycophants who did. He called them sycophants, for they were men who supported alike a Head, a Sydenham, a Bagot and a Metcalfe.[183] How different had been the condition of the country under the late and the present administration.[184] In 1842 there was a peaceable government[185], ((there were)) no disturbances[186], elections were conducted peaceably, opposition had greatly subsided[187], and affairs were conducted according to the wishes of the people. Large Majorities supported the measures of the ex-Ministers. Then the Lion and the Lamb[188] had lain down together[189], even the much abused Mr. Hincks, the Hyena, as he was now called,[190] whom he thought a very gentlemanly man[191] was a favourite; he was declared to be par excellence, the only Inspector General the country ever had; the very Tories fawned[192] at his feet.[193] But this had passed away, and the same sycophants that supported Head and Sydenham, and Bagot, supported a Metcalfe.[194] Sir Charles Bagot ... did not seek to govern the country against, but according to the wishes of the people; he did not himself seek out men unknown to the country to form a Ministry - he did not search from Three Rivers to Lake Huron for Barnards and Smiths - he did not attempt to force a Ministry upon the country; that lamented nobleman was called from the scene of his labors and was succeeded by a man whose appearance was even more worshipped than a rising sun, and whose success in another country was looked to as proof of his power as a statesman; he (Mr. C.) did not deny his success in another country - but he was not one day in this country when it was known that he was not disposed to govern thus constitutionally, soon was intimation given from all parts that he was not willing to govern with and for the majority. This was soon shewn and proved, when the first difficulty arose; it was well known then that the whole question was, were Ministers to be consulted or not; in that difficulty Lord Metcelfe (sic) maintained that he was not bound to observe, and that he never would observe, the principle of the constitution, as laid down by the Ex-Ministers. In his famous address to Gore, he defined his views of consultation to be on "adequate occasions," which, in a subsequent address to Russell, he retracted, and which he found nenessary (sic) to retract[195]; he said he would consult them on all occasions[196], and yet would he not do justice to the men whom his opposite conduct obliged to resign. Then came the election struggles, in which a most unfair game was played. Loud protestations about the mode of distributing patronage, were made, office would be given only to merit and fitness,[197] - he supposed from phrenological examination, or something of that sort-[198] and the basest charges made against the late Ministers for an abuse of patronage.[199] The same system[200] was pursued, and professions made, when Barnards

and Smiths were every wehre (sic) pickep (sic) up and pitched together to make a Ministry. Persons were appointed, according to their account, for their fitness. And what were the subsequent acts in regard to patronage, and what is now doing in that regard? In my district magistrates are appointed notoriously unfit, one person had been in goal (sic) for the previous year, (hear,) others were bankrupts and could be appointed only because they had supported my opponent in an election contest in which he was in a miserable minority. These were among the measures of the Ministry brought into life by Lord Metcalfe. (Cries of hear, hear, hear.)[201] ((He)) complained of the neglect with ... ((which)) Upper Canada had been treated.[202] At the time of the difference with the late Ministers there were several Bills under consideration.[203] The municipal bill it had been admitted required amendment. So did the assessment laws. These were questions, he said, of even greater importance than the University Bill.[204] ((Also)) the Bill for amending the Jury laws ... the Common School Bill - by the School Bill provision was made for Normal Schools which schools should now be in operation to the great benefit of the rising population of the country - but this scheme is abandoned, and nothing instead has been given[205]. The speech ... omitted the mention of measures, in the amendment of which the country felt a great interest .... ((This)) omission ... assured him that the ministers did not feel themselves competent to the task they had undertaken[206]; the present ministers have been and are engaged in struggling to keep themselves in office without regard to the wishes of the country; they have not even ... confidence and respect for each other[207]. He was supported in this belief by the conservative press of Montreal, one of which, the Times[208], had lately credited a rumor[209] that overtures have been made to certain gentlemen of the late ministry to take the place of the present.... The hon. gentleman here read an extract from the Montreal Times of 5th March,[210] setting forth that overtures had been made to Mr. Papineau[211] ((et à M. LaFontaine))[212] to come into the administration, and when he had done, desired to know from the ministry itself whether such was the fact or not: ... he would ask them plainly, were they about to reconstruct their cabinet?[213]

SIR A. MACNAB.--The Speaker observed that such a question could not be put without preveious (sic) notice.[214]

MR. CAMERON had no wish to persevere[215]; if the question could be answered in the negative he thought it would be.[216] If Ministers refused to answer this question, the country would know how to interpret their silence.[217]

MR. JOHNSTON took advantage of this pause in Mr. Cameron's speech to indulge in a variety of ... remarks on the past political career of ... ((Mr. Cameron)) and particularly on the emoluments derived from the situation in the customs he held under the late administration.[218]

MR. PRINCE spoke at some length relative to the Magistrates of the Western District[219]. He denied, in the most positive manner, that there was any dissatisfaction concerning ((them))[220]. ((They)) were upright

and competent men who attended regularly at the Courts, and did the business well, and ... they were all appointed from the Reform ranks.... Objections had been made against some of these Magistrates on the ground of their position in Society and perhaps the honourable member for Lanark objected to them because their descent was not as high as his own.[221] A clique of three or four individuals[222] of the highest water in Sandwich,[223] had got up an outcry to that effect to serve their own purposes, and the individuals of that clique were, extraordinary to relate, not supporters of the ex-Ministry but Tories. The whole of the Magistrates, with two exceptions, were of Mr. Cameron's supporters, men adverse to the present Administration; so that the House and country might see what the assertions of the Hon. Member were worth. To show the French Canadians, with whom Mr. Cameron acted, how much sympathy that gentleman had for them, the two Magisterial appointments not of his own party, and against which he made such an outcry, were French Canadians.[224] He (Mr Prince) contended that there were not in Upper or Lower Canada more intelligent men, or any who more faithfully performed their duty. They certainly did not spring from so high a race as the hon. member for Lanark, but that was no reason why he should vilify them. The hon. gentleman had alluded to the beautiful and ancient fable of the lion and the lamb, and his luxuriant eloquence reminded him of the line of Hudibras - "That empty vessels make the greatest noise," and in a beautiful peroration he had called the supporters of the Ministers sycophants. Perhaps they were not more so than a certain person he could name, who went from house to house, from custom house to custom house, from merchant to merchant, in the capacity of an inquisitor with a book in his hand. No doubt it was a highly respectable office, perhaps that certain person thought so. But if the hon. member for Lanark was ever a candidate for the office, he would advise him to select one to answer his particular purpose.[225] The learned member further explained that in saying that every loyal man owed a debt of gratitude to Lord Metcalfe, he only meant such to be his opinion, men of undoubted loyalty might think otherwise, but such was his (Col. Prince's) opinion.[226] Although the Hon. gentleman ((Mr. Cameron)) was such an empty vessel, he had too high an opinion of him to doubt his loyalty.[227]

MR. GOWAN[228] wished to make some observations upon the question under the consideration of the House, but, before doing so, he would avail himself of the occasion of noticing a few of the remarks which had fallen from the Member((s)) for Quebec and Lanark. The Hon. and learned Member for Quebec City (Mr. Aylwin), had asked the hon. and venerable President of the Council, how he could call upon his French Canadian fellow countrymen to follow him, should a crisis arise[229] shortly[230] in the affairs of the Province, owing to our unsettled relations with the United States? He (Mr. G.) was astonished to hear such an interrogatory put by the Member for Quebec![231] From others it might have called forth attention and respect, but from him it could not do so.[232] Is it not a fact known to every member of the House and almost to every inhabitant of the Province, that, for the last half century, the hon. and venerable gentleman has

been the most zealous, the most constant, and the most devoted adherent of his Franco-Canadian fellow countrymen[233], the very people to whom the appeal was made[234]? Not only has he stuck by their fortunes in weal and woe; not only did he enter the dungeon for their cause, but he was the selected champion, chosen to carry (and he did carry) their claims to the foot of the Throne (hear, hear). And what was the Hon. Member for Quebec doing all this time? (Loud cries of hear, hear.) Was he their friend in adversity? Did he enter the prison house on their behalf? Has his hair grown grey in their service? No, Sir; Oh, no! He has been found at all times in the ranks of their bitterest political opponents! He has abused them, he has assailed them, he has attacked them for years and years, with all the sarcasm and power of language, for which the honorable and learned member has been distinguished! And such has been the course of the new born friend, who now assumes to be the champion and guardian Angel of the French Canadians! But he (Mr. Gowan) had yet to learn that the loyalty of any class of our Canadian population, was to be measured by their respect for this man, or that man. In all period of emergency and of danger, the Canadian people of all classes will do their duty, and it matters not whether a Viger or an Aylwin are in her Majesty's Provincial Councils, let our Sovereign's rights be questioned - let our institutions be assailed - let our firesides be menaced - let one hostile foot be placed upon our shores - and then, Sir, every sword will desert its scabbard, and every hamlet will send forth its stout heart and its brawny arm, not for Quebec or Richelieu, nor for Aylwin or Viger, but for Britain, Liberty, and Right (loud cheers).[235] It was to the sovereign of Britain we looked, and whoever may be the head of the Government, be it the venerable president or not, we will rally round our institutions.[236] The learned gentleman was pleased to allude to Englishmen, and to tell us that the specimens of them which we had in this country, were bad ones. He (Mr. G.) was only surprised that he dared to give utterance to such language against a whole class - one of the noblest and bravest in the world[237]. When such language was uttered, he (Mr Gowan) cast his eye on the right of the Speaker, and saw the member for the[238] First Riding of York (Mr. Price),[239] an Englishman, both in birth and feeling, and he was told that he was a bad specimen. He (Mr Gowan) began to fear that if applied to the hon. member himself it would be saying that he was descended from a bad stock.[240] Englishmen must, indeed, have descended from a bad stock, when they have so sadly degenerated as the Member has stated! Such wholesale calumnies could do no injury, except indeed to the calumniator who uttered, and the stupidity that sanctioned such language. Others might feel annoyed at the use of epithets so gross, but John Bull, generous fellow, can well afford to laugh at his pigmy assailant. The honorable and learned Member stated that he deeply sympathised with Lord Metcalfe in his sufferings. He (Mr. Gowan) could not doubt him - it may be so - he presumed it must be so[241] - he would be the last to accuse him of hypocrisy - last of any to doubt his sincerity and truth[242] - but those who heard his language in the last Session with respect to that distinguished Nobleman, those who witnessed the virulence of revengeful paroxysms[243]

when he struck his desk with such violence[244] must admire the change, and congratulate the gentleman on his conversion (laughter).[245] He (Mr Gowan) believed all he said. He had alluded strongly to the support given by the Member for Simcoe to the present Administration. He had denounced it as contrary to the principles of Responsible Government. He said he would not appeal to us, poor Provincials, but he would cross the water and appeal to England, - he would even submit the question to Mr. Gladstone, the Colonial Minister. He (Mr. G.) accepted the challenge; the hon. Member had appealed to Caesar and to Caesar he must go (hear, hear).[246] The comparison with Mr. Gladstone was a most unfortunate one, as the circumstances were nearly parellel (sic).[247] What example has Mr. Gladstone himself set? During the last Session of the Imperial Parliament, he resigned office as a Cabinet Minister[248] ((in)) Sir Robert Peel's ministry[249], upon the Irish College[250] Maynooth[251] question, just such another as his friend from Simcoe had done, and he is now supporting, yes, even holding office, with the very Ministry from which he then seceded (hear, hear). And what was still more, holding office, too, without a seat in Parliament![252]

Here MR. CAUCHON asked Mr. Gowan, across the House, how long Mr. Gladstone had been in office without a seat in Parliament?[253]

MR. GOWAN then continued. - He would answer the question just put to him by asking another. When the honorable Member for Montmorency would find any person of distinction in the British House of Commons assailing the Ministers because one of their number had failed for a time in procuring a seat, then he would be ready to answer his question (hear, hear). But if that mode of reply was not deemed sufficient, he would answer him, in the words of Sir Robert Peel, when replying to a similar interruption, - the Government of Her Majesty in this House is sufficiently strong to enable it to dispense with the great talents of his honorable friend (hear, hear). He would now allude to some of the remarks which had fallen from the Member for Lanark (Mr. Cameron). That honorable gentleman had stated that the present Ministry were blown into life by the breath of Lord Metcalfe. Perhaps it was so. The expression was not a very courteous one, but he was bound to receive it. Perhaps, however, it was not the breath the noble Lord had breathed upon the present Ministry that annoyed the honorable gentleman so much as the still more powerful breath that had extinguished, or as it had been said, "snuffed out" the last! (Loud laughter.)[254]

Hear.[255]

MR. GOWAN.--Hon. members may cry hear, but they must know the truth of this.[256] Powerful, indeed, must have been that breath, and strong the public perfume that accompanied it, when it was enabled to blow out one Administration, and to breath life and vitality into another! It was a distinguished compliment to the noble Lord, unconsciously given no doubt, but fully ratified by the free voice of a free people.[257] After this he appealed to the country, and what was the

answer, (pointing to the treasury benches). Behold the answer. This House is the answer. (Loud cheers.) The majority sent by the free voice of the people.[258] The honorable member informed the House that the contests for Oxford and Middlesex were not yet decided, and that in one or two other places enquiry had been stifled. If it could afford any consolation to the wounded spirit of the honorable member, he would admit it. But in doing so, he must accompany the concession by a few facts, not quite so consolatory as the contingency of a controverted election or two. His first fact was, that not less than three Ministers had taken their seats on the first day of the present Session, after returning from their constituents. Was not that a fact very consoling to the honourable member! Again, the first day of last Session, the Ministers placed an honourable and gallant Speaker in the Chair, by the bare majority of three votes and this night they carry an address, highly eulogising the policy of Lord Metcalfe, by a majority of SIXTEEN (Cheers). Look again at the support of the Opposition by the free press of the Province. They have some half dozen papers in Upper Canada, many of them of very limited circulation, on their side, while the principles and policy of the Government is (sic) supported by two dozen, or about four to one. Again, look at the recent Municipal Council elections. Look at the Newcastle, the Midland, the Johnstown, the Dalhousie, ay, look even at the very County of Lanark, which the honorable member represents; look even to the very townships where he obtained his majorities, - to Elmsley and to Montague; and what do they prove? the complete return to conservative feelings, and the utter protestation of the honorable member's party. Look again to the Wardenship of his own district; hear the abuse of the organ of his party at the appointment of Mr. M'Martin, and contrast it with the unanimous[259] vote of thanks ... ((from the Council in Leeds)) forwarded to Government on account of the appointment of the Warden who entertained ... ((conservative)) opinions.[260] Let not the honourable members from Lower Canada be deceived as to the state of public opinion in the Upper Province; it is too marked and too decided to be misunderstood. He had mentioned a few facts; he might add many more. Those he had named he would call our gains, and he called upon the Opposition to point out their gains, or even one ministerial loss. (Hear, hear.) It appeared, however, that what the gentlemen had lost in numbers and influence, they had made up for in anger and fury. The country was going on prosperously[261] since Lord Metcalfe's administration[262], and they were annoyed.[263] The country ... had turned from broils and politics to habits of industry and enterprise.[264] No longer were there any Reform Associations to address - no longer were there any Orange Societies to abuse[265], no occasion to bring up bills to denounce orange processions. There were no Repeal meetings[266] to eulogise - all was peace and happiness, and those who blew far and wide the firebrands of faction, might now exclaim, "Othello's occupation's gone!"[267] Orange and green mingled together - and French Canadians and English Canadians, and persons of all origins were casting aside their bitter feelings and uniting in a bond of brotherhood.[268] He congratulated the country on the change, although he could not but mourn over the unhappy condition of the fallen! He (Mr. G)

was sorry the member for Quebec was absent from his place - he had a few words to address to him, which he would not now do in his absence. He must, however congratulate himself on his present secure position. Last Session he had to meet the shot and shell of the honourable member with an exposed front, but now he had a double line before him, not of humble privates, but of distinguished officers! The honorable member himself (Mr. Aylwin) will also be relieved from the very disagreeable task of continually asking when may we expect to have a Solicitor General for Lower Canada? When will the venerable member for Richelieu! for Montreal! no! for no place! take his seat? A hundred such questions as those, the Hon. Member will be saved the trouble of putting! The Member for Lanark had denounced the Ministers for not amending the School Bill, the Municipal Bill, and the Assessment Bill.[269] Who introduced them?[270] Does the Hon. Member forget that his friend Mr. Hincks was the author of the School Bill, and that his friend Mr. Harrison introduced the Municipal Bill? And does he now denounce the Ministers because they have not turned round and become the tinkers of their opponents' political pots and kettles?[271] Why, Sir, the very fact of the measures alluded to being so unsavoury with the people, is a strong proof of the incompetence of the late Ministers to prepare such measures as the country requires. (Hear, hear.) The Member attacked the speech for its omissions. But he should recollect that a British Governor's Speech is something different from an American President's Message. It travels not over the whole policy of the country. Let him wait a little. A few days will probably put him in possession of a Militia Bill, an Assessment Bill, a College Bill, and other great measures, which the country requires. The Hon. Member was pleased in his usual "modest" manner, to designate the gentlemen on the Ministerial Benches as sycophants, who fawned upon a Head, a Sydenham, a Bagot, and a Metcalfe[272], a cool phrase from one who had supported every administration.[273] If the House only knew who was the sycophant, for which an hon. Member now within hearing, had applied to be appointed Sheriff of the District of Dalhousie, they might indeed learn who fawned upon Head.[274]

Here there were loud cries of hear, hear; in the midst of which MR. CAMERON rose and stated that he had never directly, or indirectly, applied for office.[275]

MR. GOWAN resumed. He did not charge the Member with applying directly to Sir Francis Head himself, but he challenged him to deny, if he could, that two of his most particular friends had applied, and whether that was "applying directly or indirectly," he would leave the House to judge. (Loud cries of hear and cheers.) Again, if the House would only remember who had, fawned upon Sydenham up to the last moment of his existence, and that too, in opposition to the gentlemen near him, (Messrs. Baldwin & Lafontaine,) and who had been an office holder under Bagot, perhaps they would discover some key to that species of sycophancy which has been so strongly denounced to-night. Mr. Gowan next alluded to some observations which had fallen from the Member for Carleton, (Mr. Johnston,)

upon the subject of Military Governors. He would remind the House, that the last Governor of India, (Lord Ellenborough,) was a civilian, yet was his reign distinguished by a thirst for military conquest and territorial aggrandizement; while the present Governor General, (Sir Henry Hardinge,) who was a Military Chief, had turned his attention to Science, to internal commerce, to schools, and the general amelioration of the great body of the people. But he need not go to the East for examples. Look to the two most enlightened nations in the world, to Britain and to France; and look at their destinies directed by two of the greatest warriors the world ever produced, Wellington and Soult. (Hear, hear.) And what has been the policy of these two men? Their policy has been essentially pacific. They have used the great influence which a halo of glory has flung around them, to curb the angry passions of their countrymen, and to turn their attention from the bayonet to the shuttle, from the sword to the plough.[276] With regard to the remarks concerning Lord Metcalfe he (Mr Gowan) could not have given his confidence to any ministry who had not spoken as strongly as they had done[277]. Mr. Gowan wound up ... by passing a high eulogium upon the character of Lord Metcalfe, whom he described as a father to the whole people, as a benefactor to the poor, as a protector of the loyal; as one who had healed the bleeding wounds of the country, and as a liberal both in religion and politics; declaring that the remembrance of his virtues would[278] be revered and cherished[279] in the hearts of the people of Canada while nought would remain of his assailants but the remembrance of the factions they had created, and the slanders they had uttered.[280]

Cheers; in the midst of which, MR. CHAUVEAU said, across the House, "remember the Montreal riots"[281].

Hear, hear, from the opposition.[282]

MR. GOWAN replied - It was unfortunately too true that Montreal was distinguished from every other part of the Province by the existence of turbulence[283].

Hear, hear from the Opposition.[284]

MR. GOWAN.--Yes, he regretted it was so. It might be that this one red spot[285] -

Here Mr. Gowan's voice was lost to the cries of hear, hear, from the Opposition, re-echoed from the Ministerial benches[286].

MR. GOWAN. - I know little of Montreal, for what I know it may be a sort of Pandemonium, where the red spot is stamped, where persons are living on the disturbance which they create. Perhaps some persons are paid or otherwise hired to excite bad passions, and to awaken polical hatreds, by their inflaminatory (sic) language.[287] It might that this stream of red has origin in a fountain of black - that some fiend in human shape, who desired political capital (as it had been called), whose daily bread was faction, and whose delight was to arouse the angry passions of the multitude - it might be that such an one had opened a

bloody vein, and, so far as his skill extended, "fiddled while the city was in flames" (cheers).[288] Such persons I do not envy, but it is to be hoped if it is the case there that the cause which now tends to lead to this stain will be put aside.[289]

Loud cheers ((from the)) treasury benches.[290]

MR. GOWAN.--He would ... so far respond to the speech of the hon. member for Quebec as to say he held the Ministry responsible for bringing in the College Bill,[291] and added that no ministry should reckon upon his vote till it was settled for peace. But he would accompany that declaration with another, that he opposed test or government questions. He did not think the member for Simcoe treated it properly; and he looked upon it as unjust, that if he agreed with a minority in ninety-nine measures, and differed in the hundreth, that they should be held to resign; if they failed to carry it.[292] It was unjust to members to put them to the alternative either to swallow such a measure as the Ministers chose to bring in, or to put them, (the Ministers) out -[293] such a proceeding takes away the character of a deliberative assembly. Such ought not to be the system;[294] such was not the system in England, formerly when rotten boroughs voted it was so, but now a Ministry was only put out by a vote of want of confidence.[295] Let the opposition move a vote of want of confidence, and so take the bull by the horns.[296] The Hon. Member concluded by a bold and decided appeal to the Ministers, to do their duty on the College Bill, emphatically demanding from them to justify the expectations of the country by a liberal and enlightened legislation upon that question.[297] He saw hon. members were waiting to vote, and he should confine himself to saying that the address should have his hearty support, and that he was glad to see some members on the other side of the house voting with them.[298]

MR. ROBINSON rose to reply to some remarks made upon his position by Mr. Aylwin. He did not consider that because he had felt it his duty to resign his office in the Administration that he had imposed upon himself the necessity of opposing them.[299] It is possible that the Honourable member for Quebec and I differ in opinion as to the proper course for a member to pursue. I came here determined to support such measures as shall be for the good of the county of Simcoe, and not to give expression to personal feelings. There are many measures which must come before the House which I deem extremely necessary, I think that the amendments of the School Bill and Municipal Bill are among them - I will support such measures - as propounded by the Ministry if I think them good, if they are not I will vote against them.[300] He, in common with others, felt that they were measures much wanted in Upper Canada, and he looked to the Administration to introduce them.[301] I do not expect the ministry to bring forward every measure that will be for the good of the Country. No, I do not expect it. I will therefore bring forward such measures as may present themselves to my mind and I shall expect that the ministry will give me their vote - as I

will give them mine.[302]

MR. CHAUVEAU[303] addressed the House in French[304].

M. Chauveau doit avant tout remercier l'administration pour cette partie du discours qui fait allusion aux malheurs de la cité de Québec. Représentant du comté de Québec, il doit à la justice et à ses constituans de reconnaître le noble empressement avec lequel le gouvernement provincial est venu au secours d'une ville ravagée par les plus affreuses calamités qui aient étonné le monde dans une année toute de calamités et de désastres inouis. Les sympathies de l'humanité entière et le travail d'une année n'ont pas suffi pour soulager des maux, pour faire disparaître des ruines qu'un instant avait causés (sic): et ce n'est pas sans besoin que l'administration nous promet de nouveaux et de plus amples secours. Si sa sollicitude et sa bienveillance n'ont été dans cette occasion que l'exécution d'un devoir que la piété et l'humanité lui commandaient, elle n'en a pas moins droit à nos éloges et à nos remercimens (sic); car remplir son devoir, si simple que cela soit, c'est toujours un mérite incontestable. La tâche du pays envers la malheureuse cité de Québec, malgré les immenses secours venus de tous côtés est loin d'être terminée, et je n'ai pas le moindre doute que le ministère ne présente prochainement à notre considération une mesure digne et du pays et de la ville que l'on veut et que l'on doit reconstruire. Je me flatte que le projet qui nous sera soumis sera digne de compléter et de couronner l'oeuvre des sympathies du monde entier.

Je suis fâché, M. l'orateur, ajonta (sic) l'honorable membre, qu'ici se termine la partie de ma tâche qui me plait davantage malgré les tristes souvenirs qu'elle me rappelle. Je suis fâché que dans des circonstance nouvelles on ait jugé à propos de faire allusion à des querelles déjà vieillies. Je suis fâché qu'on ait conseillé à S. E. de faire de son prédécesseur un éloge exagéré. Je regrette surtout que dans un temps où l'on nous dit que l'avenir est gros d'orages, que le pays peut être placé d'un moment à l'autre dans la situation la plus critique, on n'ait pas tenu envers tout le monde un langage sinon eonciliant (sic) du moins inoffensif. Songeant quelle (sic) est la partie du pays que je représente, songeant à tout ce qu'elle a déjà souffert, à tout ce qu'elle peut être appelée à souffrir, j'aurais aimé à n'avoir à dire pour ma part que des choses aimables pour tout le monde, j'aurais certainement préféré trouver un prétexte pour taire ma pensée qu'une occasion pour la dire. Mais lorsque je considère qu'avec tous mes collègues je représente le pays en entier, je trouve que je ne puis ni ne dois contribuer à faire dire à mon pays ce que je conçois ne pas être la vérité. Je ne crois pas qu'il soit vrai que dans toute occasion lord Metcalfe ait mérité la plus vive approbation de Sa Souveraine, et le respect et la reconnaissance du peuple qu'il a gouverné. Les conseillers de Son Excellence en lui mettant dans la bouche des paroles aussi fortes, disent beaucoup plus que la simple convenance n'exigeait. En cela, ils n'ont pu avoir d'autre but que d'essayer leur force. Ils se croient très forts, et ils veulent le prouver. C'est leur droit, et je ne m'y oppose pas. Mais à nous ce n'est pas seulement notre droit, c'est pour nous

un impérieux devoir de ne pas renier notre passé, de soutenir notre ancienne position, et de dire à cette administration qui se croit si forte ce qu'elle est et ce que nous sommes.

Si la conduite de lord Metcalfe avait dans toute occasion été constitutionnelle, elle n'aurait jamais nécessité un paragraphe semblable à celui-là. Il aurait été question tant que l'on aurait voulu de ses vertus privées, de sa manificence (sic), de tout ce qu'on aurait voulu, excepté de sa conduite politique. S'il s'était renfermé dans les bornes que lui traçait sa position de gouverneur colonial, avisé par un ministère responsable, il n'aurait pas en(sic) une conduite politique dont il eut pu être responsable dans la colonie. Mais c'est tout le contraire. C'est pour avoir forcé la résignation d'un cabinet colonial dont le défaut était, a-t-on dit, d'être trop fort, pour lui substituer un autre cabinet dont le défaut a été jusqu'ici d'être trop faible, que l'hon. membre pour Leeds prétend que nous devons passer un vote de reconnaissance au dernier gouverneur. Je conçois que l'hon. membre pour Leeds veuille donner un pareil vote; mais comme il a désespéré de pouvoir le justifier aux yeux de ceux qui ont soutenu qu'au moins, l'ancien ministère valait bien le nouveau, il essaie de le justifier par ce fait même, et il cite la majorité ministérielle actuelle comme une preuve (sic) du bon gouvernement de lord Metcalfe. On dit: voyez, regardez ces bancs; voilà l'approbation, la sanction que le pays a donné aux intrigues que vous blâmez. Or si le pays veut être gouverné avec de l'intrigue, quelle objection pouvez-vous y avoir? Voyez, comptez, n'avons-nous pas la majorité decidée, une majorité de seize voix? C'est bien, mais cette majorité de seize voix est-ce le pays qui vous l'a donnée? Et qui ne sait pas l'histoire de cette majorité? Qui ne sait pas que cette majorité de seize voix de cette année n'est réellement pas autre chose que la majorité de deux voix que vous aviez l'année dernière? Qui ne sait pas que l'une procède l'autre? Qui ne sait pas que cette majorité qui s'est recrutée elle-même, qui a fructifié, qui a germé, qui s'est reproduite dans la fraude et par la fraude, dans la corruption et par la corruption? Fraude et corruption dans l'emsemble (sic) fraude et corruption dans les détails quand vous prétendez représenter des localités que vous ne représentez pas. Qui ne sait pas qu'avec une seule voix de majorité des hommes déterminés à tout faire peuvent tout faire? Si les hon. membres sont ici en majorité ce soir, c'est parce que ceux qui ont été élus par la force brute des bâtons, sont demeurés par la force plus brutale d'un vote arbitraire; c'est parce qu'une majorité qui suivant les ... ((us)) et coutumes parlementaires du Bas-Canada a pris sur elle de décider des questions de forme qui concernaient cette partie de la province; c'est enfin parce que les deux voix de majorité qu'il y avait dans cette chambre ont dit à ceux qui devaient sortir, restez. Mais cela mis à part l'administration n'est pas forte de 16 voix comme elle le prétend. La saison de l'année que l'on a choisie pour convoquer cette session de la législature a plus influé que les meilleurs argumens sur le vote de ce soir. Que l'administration montre en effet ceux des membres de l'opposition qu'elle a ralliés! Si elle a gagné une voix d'un côté, elle en a perdu une de l'autre. En cela, où est la réaction? Qui a-t-on converti dans cette chambre depuis l'année

dernière? Numériquement l'administration n'est donc pas si forte qu'elle le paraît. Mais je dis que moralement, que politiquement, elle n'est pas forte du tout. Je dis même qu'elle est faible; et très faible. Une administration est forte lorsque ceux qui la composent ont une confiance réciproque les uns dans les autres; lorsque comme corps, et comme tout elle a confiance dans ses propres actes, dans sa propre force; elle est forte lorsque ceux que chaque partie de cette administration est censée représenter ont confiance dans ceux qui les y représentent, elle est forte enfin, lorsque ceux qui la supportent, la supportent à cause de la confiance qu'ils ont en elle. Voilà je crois ses (sic) conditions raisonables. Ce n'est pas trop exiger que d'exiger d'une administration pour la dire forte, ce que je viens d'énumérer. Et bien je dis que l'administration que lord Metcalfe nous a léguée, que l'administration qu'il a substitué après bien du temps et des peines, à une administration forte, trop forte, dangereusement forte selon quelques uns, non-seulement ne réunit pas toutes ces conditions; mais je dis qu'elle n'en possède aucune. Je dis que les membres de l'administration n'ont pas de confiance les uns dans les autres. Je dis que l'administration est divisée, que c'est une maison divisée qui ne peut tenir, qui va s'écrouler, tellement que chacun de ceux qui l'habitent cherche où se réfugier, cherche un appui au-dehors. Je demande si lorsque les membres d'une administration cherchent un appui en-dehors de cette administration et de ceux qui la supportent, je demande si ces membres ont une confiance réciproque. J'insiste et je prie les membres du cabinet provincial de répondre à la question que je vais faire (écoutez! écoutez!) Est-il vrai ou n'est il pas vrai que des membres de l'administration ont cherché en-dehors de l'administration et en-dehors de ceux qui la supportent les élémens d'une administration nouvelle? cela est-il vrai, ou cela est-il faux? (écoutez! écoutez!) Qu'on dise que cela est faux si on ose le dire![305]

Silence sur les bancs de l'administration.....cries de écoutez à gauche.[306]

MR. CHAUVEAU ((continued)). Vraiment si on ne dit pas que cela est faux il serait bien superflu de dire que c'est vrai. Et bien, dira-on que l'administration actuelle qui a cherché un appui hors d'elle-même est une administration forte? Je dis de plus que non seulement individuellement les membres de l'administration n'ont pas de confiance réciproque, mais que l'administration prise dans son ensemble n'a pas de confiance en elle-même. Un pouvoir a quelque confiance en lui-même lorsqu'il ose soit commencer, soit achever, soit continuer quelque chose d'utile au pays. Que nous dit le discours de l'administrateur? Il nous parle d'une loi de milice, et des secours à accorder à une ville infortunée, qui a des droits incontestables à la solicitude (sic) de toute administration; et c'est tout. Bien entendu que les hons. membres vis-à-vis n'oublieront pas les subsides! Où sont les mesures que l'administration nous promettait l'année dernière? Est-ce que pendant douze mois de vacance, il n'est pas survenu au cabinet quelque projet législatif; est-ce que pendant ces douze mois, les neuf membres dont se compose l'administration, n'ont pas eu à eux neuf une pensée législative quelconque? Ou bien tout est-il tellement pour le mieux sous le meilleur des gouvernemens possibles,

qu'il n'y ait plus rien à faire? Est-ce que les lois sont tellement parfaites, tellement bien exécutées, tellement perfectionnées qu'il n'y a plus moyen de législater? Mais si l'on n'ose rien entreprendre de nouveau, du moins que sont devenues les mesures commencées l'année dernière? Où est cette fameuse question, cette grande question Haut-Canadienne de l'Université? Je ne dis pas celà, à Dieu ne plaise, pour évoquer cette fatale question. C'est le malheur de notre condition dans cette chambre, c'est une de des preuves de l'absurdité de la réunion des deux provinces, que d'être contraints, nous membres du Bas-Canada, à voter sur de pareilles questions. Je veux seulement rappeler à l'administration qu'elle devait tenir ou tomber avec cette mesure; to stand or fall by it, disait l'honorable membre pour London. Maintenant si elle a trouvé quelque raison, d'éluder cette fatale question, si elle l'a étouffé (sic) quelque part, je l'en remercie. Je félicite l'administration sur son habileté; mais je ne la féliciterai certainement pas sur sa force, ni sur sa sincérité.

Je dis encore que l'administration est faible, parce que ceux qui la supportent n'ont de confiance que dans une partie du cabinet. Il est impossible que la plus grande partie des membres qui siègent à droite aient la moindre confiance dans ceux des membres de l'administration qui sont élus pour le Bas-Canada. Cela est absolument impossible. Non seulement les honorables membres pour le Bas-Canada, n'ont pas la confiance de leurs propres partisans, ils ne jouissent seulement pas de leur respect. Lorsque l'honorable président du conseil a parlé, il y a un instant en réponse aux interpellations de l'honorable membre pour la cité de Québec, je n'ai pas pu entendre l'honorable président du conseil, à cause des conversations que tenaient à voix haute ses amis, je veux dire ses partisans autour de lui. Ces honorables messieurs n'ont pas même eu la bienséance de paraître écouter leur premier ministre; tandis que nous, nous fesions tous nos efforts pour l'entendre. Eh bien, ces honorables membres de l'administration qui n'ont pas la confiance, qui n'ont pas même le respect de leur partisans, représentent-ils quelque chose dans le pays? Peuvent-ils se consoler en songeant qu'ils représentent leurs concitoyens? Cette question me fournira l'occasion de répondre aux remarques et aux commentaires triomphans (sic) de l'honorable membre pour Leeds.

L'honorable membre pour Leeds, qui a une prédilection particulière pour tous les sujets qu'il ne connait pas; l'honorable membre pour Leeds nous a cité comme deux miracles, comme deux grandes victoires, l'élection des Trois-Rivières et celle de Dorchester. Je ne crois pas d'abord, que l'on soit bien sérieux quand on parle de l'élection des Trois-Rivières, comme d'un triomphe. Pour qu'une élection signifie quelque chose, il faut, ce me semble, ou qu'elle augmente la force numérique d'un parti au moins d'une voix, ou qu'elle révèle quelque grand fait politique jusqu'alors inconnu. Quand on sait quels ont été les prédécesseurs de l'honorable président du conseil dans la représentation de la ville des Trois-Rivières, on voit du premier coup, que l'administration n'a rien gagné numériquement par cette élection. On voit que l'honorable premier ne représente pas plus ses compatriotes qu'il ne les représentait auparavant. Cela n'a donc rien ajouté, ni à la force numérique, ni à la force

morale de l'administration. Il n'y a dans cela, qu'un honorable premier ministre, qui après avoir frappé à la porte du grand comté de Richelieu, après avoir frappé à la porte du grand comté de Montréal, et tout cela en vain, entre enfin par un bien petit trou, et dit tout joyeux: m'y voilà! (Rires et applaudissements).

Que l'honorable premier ministre songe à ses prédécesseurs, qu'il parcoure son arbre généalogique, il ne sera pas longtemps sans trouver un honorable personnage, qui pendant quelque temps eut une envie immoderée d'élever l'honorable premier ministre plus haut qu'il n'aurait fallu pour sa santé. (Ecoutez!) Et s'il veut savoir les titres de la ville qu'il représente, qu'il feuillette un journal fondé par lui, protégé par lui, et souvent même rédigé par lui; et il trouvera que le nom de bourg pourri est encore un des plus beaux que l'on ait appliqués à la fameuse petite ville.

Mais venons-en à l'élection de Dorchester. L'élection de Dorchester a fait du bruit; beaucoup de bruit. C'était, disait-on, le signal d'une réaction qui devait entrainer à la suite du solliciteur-général, tous les membres du district de Québec. L'histoire de cette fameuse élection, est tout entière dans l'adresse de l'honorable solliciteur-général à ses électeurs. Si l'honorable solliciteur-général, et si la chambre veulent bien me le permettre, je vais lire quelques passages de cette adresse.

D'abord l'honorable candidat dit qu'il a plu à l'administration de le nommer solliciteur-général. Voici une idée neuve en fait de gouvernement responsable. Si l'on se rappelle bien la fameuse crise ministérielle, la grande accusation portée contre les ex-ministres, étaient qu'ils réclamaient le patronage en entier. Mais ils n'ont jamais été jusqu'à prétendre nommer eux-mêmes aux emplois, dans le langage officiel du moins, il ont conservé intacte la préragative (sic) de la couronne.[307]

MR. PRES. EX COUN. VIGER se leva et lui dit que "s'il fesait tant que de citer, il devait au moins citer correctement: qu'il n'avait dit dans la Crise Ministérielle rien de semblable à ce que l'hon. Membre lui fesait dire. En parlant de la Prérogative de la Couronne il avait dit qu'en théorie la Couronne était indépendante, qu'il n'en était pas de même dans la pratique, par rapport aux Ministres, mais que ceux-ci n'avaient d'autres moyens que de résigner s'ils ne voulaient pas devenir responsables des démarches de ce lui qui tient les rênes de l'autorité."[308]

MR. CHAUVEAU. - Très bien! c'est précisement cela. Et lorsqu'on est solliciteur-général; lorsqu'on s'adresse officiellement à ses électeurs, doit-on employer le langage de la théorie oui ou non? Le langage officiel doit-il respecter ou ne pas respecter les fictions constitutionnelles?

Plus loin l'honorable solliciteur-général dit: "Je suis lié à l'administration; c'est vrai; mais vous savez que d'après les principes du gouvernement admis et mis en pratique il n'existe pas de plus grande garantie pour les droits du peuple...."

Et plus loin encore:

"Si je donne mon appui à l'administration c'est que je serai convaincu que le gouvernement est administré d'après les vrais principes de responsabilité, et aussi dans l'intérêt de mes compatriotes; s'il y

avait quelqu'acte qui me prouvât le contraire, de ce moment cessent mes liaisons avec l'administration. Mon pays avant tout; voilà ma devise; c'est mon devoir d'en agir ainsi, je le dois à moi même, je le dois encore à de nombreux amis, à de brillants jeunes canadiens pleins de sentimens patriotiques, qui aujourd'hui secondent ma candidature...."

Allons donc! nous trouverons plus loin quelque chose à l'adresse de ces brillans jeunes canadiens. Mais les membres de l'administration n'ont-ils pas été édifiés du ton que prenait leur solliciteur-général? Lui-même donne le secret de son élection. Ce n'est pas parce qu'il appartient à l'administrateur; c'est quoi qu'il appartienne à l'administration qu'il a été élu. Je suis lié avec l'administration, c'est vrai; mais si vous saviez comme je vais l'améliorer cette administration; si vous saviez comme je vais mettre tous ces gens à la raison; et comme il est très possible que je n'y réussisse pas: (car sa confiance dans ses collègues est si grande qu'il a cru devoir prévoir le cas d'une rupture.) Eh bien! alors, tout sera fini. Après tout, mon pays avant tout!

Mais continuons, voici ce qui doit achever de charmer ses collègues:

"S'il est des noms chers au pays, qui sont maintenant hors du pouvoir, espérons qu'ils y trouveront leur place, mais que notre origine ne se refuse point à prendre part au gouvernement."

Le nombre des ministres devait-il être augmenté; ((que)) de (sic) quelques nouveaux noms devaient obtenir une place dans l'administration au moment où on la complétait? Que pensent les honorables membres du cabinet des espérances de leur nouveau solliciteur?

Mais revenons à nos jeunes canadiens. Voyons quelles espérances on fait briller aux yeux de ces brillans jeunes gens: "Souvenez-vous, leur dit-on, que c'est à un canadien-francais que l'on donne cette place; que dans l'exercice de ses devoirs il peut être utile à ses concitoyens; que depuis longtemps, l'on se plaint que notre origine n'a point sa part des emplois publics, et aura-t-on bonne grâce de crier, si l'on refuse de prendre ce que le gouvernement nous offre, si l'on refuse d'accepter les charges les plus importantes et les plus honorables, surtout lorsque vous avez les meilleures garanties de patriotisme et de fidélité de la part de ceux qui les ramplissent (sic).

Sans doute qu'à présent ce ne sera pas une chose suspecte d'appartenir à l'administration. C'est non seulement fort bien fait, d'accepter des situations, c'est même un impérieux devoir. Voilà de quoi calmer les plus scrupuleuses consciences.

Quand à ceux qui ne sont pas scrupuleux, ils n'ont qu'à demander. Je n'objecte nullement à cela, M. l'Orateur. Il est juste, il est correct, il est parfaitement dans l'ordre qu'un solliciteur-général soit bienveillant envers les solliciteurs particuliers.

Encore un mot, et comme c'est le grand cheval de bataille de l'adresse aux électeurs de Dorchester, ce sera aussi la meilleure explication de l'élection de Dorchester.

"Je dois enfin vous dire, s'écria en finissant, le solliciteur-général, je dois enfin vous dire que je suis décidément opposé aux taxes, persuadé que je sais que notre population est trop pauvre pour pouvoir

les supporter."

Je ne ferai sur ce dernier paragraphe aucun commentaire. Ils ont été faits d'avance. L'honorable membre pour le comté d'Essex, a fait justice de cette étrange prétention pour un ministre, de supporter un gouvernement sans aucune espèce de taxes. Je suis heureux que ce soit le moteur de l'adresse, le champion du ministère qui à son insu, ait donné une leçon au nouveau solliciteur-général, et si la leçon est un peu sévère, j'en suis fâché; mais ce n'est pas ma faute. J'ai pris la phrase en note, la voici:

"It is nonsense to shudder and recoil at the idea of taxation, and that man who is opposed to a moderate and liberal scheme of taxation for the benefit of the country, is not the patriotic man he perhaps fancies himself to be."

Voilà, M. l'Orateur, voilà les moyens qui ont emporté le comté de Dorchester; voilà les espérances qu'on a données: voilà les déceptions; voilà comme diraient les honorables membres du Haut-Canada; voilà le humbug auquel on a eu recours. On a réussi. Je n'en dirai pas d'avantage.

Je me résume sur ce point, et je crois avoir plus qu'en commençant, à présent que je l'ai prouvé, le droit de dire que l'administration numériquement n'est pas aussi forte qu'elle le parait, que moralement et politiquement elle est faible et très faible, et que si quelques localités doivent à lord Metcalfe beaucoup de reconnaissance pour sa générosité et sa phiantropie (sic), le pays ne lui doit aucune reconnaissance quelconque pour lui avoir légué une telle administration.

Mais le pays est tranquille, tout est paisible; on est donc satisfait! Tout est paisible grand Dieu! Tout est paisible! Oui ceux-là sont paisibles que les balles et les poigards (sic) ont rendus paisibles! Ceux-là dorment, et l'administration interpellée (sic) sur ces fait dort comme eux. L'honorable membre pour la ville des Trois-Rivières a eu l'imprudence car quelle expérience que l'on ait, on commet des imprudences à tout âge (écoutéz!) l'honorable membre pour la ville des Trois-Rivières a commis l'imprudence de faire allusion aux élections de lord Sydenham, aux élections faites à coups de bâton. Et lorsque j'ai pris la liberté d'interrompre l'hon. membre, de lui demander comment se font les élections à présent; que m'a-t-il répondu? Il m'a donné une leçon d'étiquette parlementaire pour laquelle je lui offre mes plus sincères remerciemens, et il a dit qu'il répondrait une autre fois. Je me flatte qu'il répondra mieux que M. le procureur-général, l'année dernière; qu'il ne nous dira pas: je ne sais rien officiellement. Messieurs, les balles sifflent à vos oreilles, les coups de bâton pleuvent presque sur votre dos; mais nous, nous ne savons rien officiellement! Il y a un autre hon. membre pour Leeds; et lorsque j'ai aussi pris la liberté d'interrompre l'hon. membre, quand je lui ai jeté le nom de Montréal ... que nous a-t-il dit? Horreur! Il nous a dit que c'était la destinée de Montréal; que Montréal était une tache rouge, une tache de sang (écoutez.)

Certes, l'hon. membre pour Leeds, entre tous les honorables membres de cette chambre, est le seul qui ait le droit de parler ainsi; il est

le seul à qui il soit donné de distribuer de telles décorations. Montréal est une tache rouge, dites-vous! Oh! l'hon. membre ne parle jamais sur de tels sujets sans être sûr de ce qu'il dit. C'est de science certaine que l'hon. membre peut nous dire de quelle couleur Montréal est marqué sur les cartes et les plans des ténébreuses associations, dont il est loin d'ignorer les secrets (vive sensation écoutez! écoutez!)

Je passe maintenant à un autre paragraphe du discours, paragraphe auquel l'état de tranquillité et de paix profonde, dont nous jouissons selon les hons. membres, donne assurément beaucoup de relief. C'est le paragraphe où l'on nous apprend qu'il est très possible que nous ayons la guerre avec les Etats-Unis d'Amérique. Ce paragraphe est suivi d'un autre paragraphe où l'on nous annonce les réponses de Sa Majesté aux différentes adresses de cette chambre. Dieu veille (sic) que la réponse à l'une de ces addresses soit favorable, que nous puissions dire à nos constituants: fils des héros de Chateauguay la langue de Sa laberry (sic) nous est rendue!

Et cependant si certaines prévisions émises dans le journal fondé, patronisé, encouragé[309].

Un voix: Et rédigé![310]

MR. CHAUVEAU. - Oui, et rédigé par l'hon. président du conseil, étaient vraies! Si parce que nous n'avons pas voulu suivre en tout l'hon. président du conseil, on allait dire à mes compatriotes; vous n'aurez votre langue que lorsque vous serez bons enfans! ... J'aurais désiré, M. l'orateur, dans un moment où l'on nous crie la guerre, qu'on eût donné au pays quelques garanties pour le redressement de ses griefs. Je ne sais pas s'il était bien prudent, bien convenable, bien diplomatique, pour les ministres d'une colonie, de faire à ce sujet des assertions semblables à celle que contient le discours de Son Excellence l'administrateur de la province; dans mon humble opinion, quelque respect que j'aie pour le éminentes qualifications de ces honorables messieurs, j'ai quelque peine à les prendre pour des Peel ou des Guizot; mais enfin, cela est l'affaire du gouvernement métropolitain; c'est à lui que l'administrateur devra rendre compte de son langage; mais puisqu'elle a jugé à propos de tenir un tel langage, l'administration aurait dû l'accompagner de ce qui aurait pu rallier dans un tel moment les honneurs de tous les partis et de toutes les origines autour du drapeau britannique.

Il serait temps aujourd'hui qu'on en voit les funestes effets, il serait temps que le gouvernement métropolitain comprit; et personne ne pouvant mieux le lui faire comprendre que notre gouvernement provincial combien est fatal le système d'injustice et de vexations que l'on sait dans cette colonie. C'est ce système qui compromet l'annexion avec la mère-patrie; c'est l'injustice des gouvernemens au-dedans qui fait leur faiblesse au-dehors. Ce système n'est pas nouveau. Mais il a redoublé de rigueur et d'absurdité à la suite d'évènemens malheureux qui en étaient le résultat. On s'en est pris au pays. On a établi dans ce pays l'iniquité la plus monstrueuse; iniquité politique, iniquité morale, iniquité matérielle. Iniquité politique, M. l'orateur; dans ce siècle où le pouvoir politique est un droit inhérent à tous; dans ce siècle où le monde se gouverne par la pensée et par l'intelligence; c'est mutiler pour

ainsi dire l'intelligence d'une population, que de lui refuser sa part du pouvoir politique. Avons-nous la nôtre, lorsque le tiers de la population du pays élit la moitié des représentants du peuple? Avons-nous notre part lorsque la population française du Bas-Canada n'a plus d'un quart des voix dans cette chambre? Iniquité morale: l'exclusion de la langue d'un peuple, est une grave atteinte à son existence morale; puisque la langue est l'expression des moeurs. Iniquité matérielle: on a jeté sur nous une dette immense que nous n'avions point contractée, et sans égard à cette injustice, on a cru que cela ne suffisait pas, on a donné à une partie de la province chaque année depuis l'union les deux tiers, quelquefois les trois quarts du revenu public pour les améliorations locales. L'acte de la réunion des Canadas qui contenait toutes ces iniquités de tous genres, ou qui en a été la source était considéré comme une punition pour les évènemens de 37 et 38. Aujourd'hui, M. l'orateur, que l'on a pardonné à tous ceux qui ont pris part à ces évènemens, ne serait-il pas temps de pardonner au pays qui lui, n'a pas été coupable? (Très bien! très bien!) On a pardonné à l'honorable et vénérable président du conseil[311].

MR. VIGER se leva[312].... ((Il dit)) "que l'hon. Membre s'était trompé lorsqu'il avait parlé de pardon; qu'il n'avait jamais reçu de pardon puisqu'il n'avait pas été même accusé qu'il fallait qu'il manquât d'expérience pour tenir ce langage."

Pour l'histoire de sa prison, elle eût été trop longue pour faire le sujet d'un discours.[313]

MR. CHAUVEAU. - A la bonne heure; si l'honorable président du conseil ne veut pas que je dise qu'on lui a pardonné, je dirai qu'on l'a amnistié, qu'on a fait semblant de lui pardonner; et je crois que je serai plus correct encore, si je dis qu'on l'a chassé de prison. (Rires et cris de écoutez!) Mais est-il mieux où on l'a mis? Eh bien! toujours est-il vrai qu'on a cessé de l'inquiéter. On a pardonné aux hommes, M. l'orateur, mais on a pas encore pardonné au pays.

Il y a un autre homme célèbre, beaucoup plus célèbre que l'honorable président du conseil, à qui l'on a pardonné. Celui-là est à Montréal maintenant, et il peut fair entendre dans cette ville, cette voix éloquente qu'enfant, j'ai entendu, et qui vibre encore dans mon âme, comme la voix même de la patrie. (Très-bien.) On a pardonné à un autre honorable personnage qui est ici dans cette chambre. C'est l'honorable membre pour le comté de Richelieu.[314]

MR. NELSON. - On ne m'a pas plus pardonné qu'à M. Viger.[315]

MR. CHAUVEAU. - Assurément que l'honorable membre a droit de réclamer contre cette expression, mais enfin on a cessé de l'inquiéter. On a aussi mis en liberté ceux qu'on avait déportés! On a pardonné aux hommes; n'est-il pas temps et grand temps de pardonner au pays? (Très-bien! très bien!)

L'orateur développe ensuite cette considération, et prenant pour point de départ l'état de faiblesse dans lequel on a jeté le pays, pour

donner violemment l'ascendant à une race sur l'autre, il démontre que non seulement, cet état de choses est funèste aux intérêts bien entendus de la mère patrie; mais qu'encore ceux qui dans la colonie, combattent pour cet état de choses sont les premiers à en souffrir. Il cite pour exemple les nouvelles lois impériales sur les céréales. Si le pays n'obtient point une compensation à ces lois, la connexion avec la mère patrie est un marché de dupes. C'est un système particulier par lequel on se protégerait à nos dépens, sans nous protéger aucunement. Pour obtenir du gouvernement métropolitain une compensation comme il en faudrait une, il faudrait que nous eussions la force et l'unité d'action des anciennes colonies anglaises. Mais si nous sommes divisés et subdivisés en toutes sortes de catégories haineuses et jalouses, à qui la faute? sinon à ceux qui ont toujours voulu dans le pays, avoir une condition d'existence différente de celle de la masse des anciens colons? Mais par une distribution assez équitable, ce sera précisément cette partie choyée et favorisée de la population qui souffrira le plus du changement, car c'est elle qui a l'intérêt mercantile en main.

Revenant au paragraphe de l'adresse contre lequel on a proposé un amendement, M. Chauveau dit qu'il ne donnerait pas un tel vote d'aprobation (sic) à aucune administration; même à celle qu'il admirerait le plus. Il est absurde de dire qu'une administration en toute occasion a mérité la plus grande reconnaissance, l'approbation la plus positive. Pour donner un tel éloge, il faudrait avoir un ange pour administrateur: il faudrait un administration composée d'anges, et si j'étais forcé, M. l'Orateur, de faire de lord Metcalfe ou de ses derniers conseillers, autre chose que des hommes, je n'en ferais certainement pas des anges![316]

MR. JOHNSTON ((challenged Mr. Chauveau's remarks)) on the election Address of the Hon. Solicitor-General for Canada East[317].

MR. G. MACDONELL, of Dundas[318] - Perhaps the honourable gentleman who has just sat down ((Mr. Chauveau,)) would not, in cooler moments, have made such an unjust assertion, as that the people of Upper Canada were not represented. This can be easily set at rest by the votes which were given after the disruption of the late ministry. The great Reform society was set at work and the Honble members from the ridings of York were active members of it. During the agitation they were not idle, but were sending papers throughout the country and held township meetings. Will the hon. member say that the people did not understand the question. I will tell the Honble gentleman, that the people of the country had their eyes upon them. There are persons in that Honble gentleman's county and mine who are well able to and do understand the question at issue, the grand question at issue. The county which elected me were up to the time of the rupture, friends and supporters of the Honourable gentlemen opposite until they wished to be governors over the governor, it was then I say that they sent me to this House. I perfectly agree with the resolutions presented by the hon. member from Essex. The only part in which there seems to be any disagreement is on the subject of the late Lord Metcalfe, in reference to his having won the gratitude of the people of Canada. It is complained that the speech is not full

enough, perhaps they would wish it to be like the President's message. The University Bill it is said is not mentioned, but the parties who complain made a great opposition to the Bill which was presented last session. I ... am glad to hear that they are now ready to receive a Bill from the ministry. The Assessment Bill is another measure which ruined the ministry in my part of the country. Its defects are admitted even by themselves. If I read the address of late Inspector Gen.[319] to Oxford[320] right, he stated that he believed it was not a perfect bill and that he thought it should be altered.[321] The School Bill I hope will not be touched until it has had a fair trial.[322] The Municipal bill he said did not work well.[323] ((It)) has been the cause of much confusion between the Council and the Treasurers, especially in my district, and it requires amendment.[324] Mr. Macdonnell ... warmly supported the address.[325]

MR. R. MACDONALD, of Cornwall, supported the address.[326]

DR. NELSON.[327] - Je ne me proposais pas de parler ce soir, mais je suis forcé de le faire par la conduite plus qu'étrange du vénérable membre qui siège vis-à-vis de moi, qui n'a pu être élu ni au comté de Richelieu, ni au comté de Montréal, mais qui a été obligé de se réfugier dans le bourg renommé des Trois-Rivières, lieu où les ennemis des canadiens sont toujours bienvenus. C'est avec un orgueilleux empressement que ce monsieur se glorifie qu'il n'a jamais reçu de pardon, bien qu'il ait été pendant près de deux ans, dans le pensionnat de sa Majesté. Si l'on trouve faute dans les évènemens de 1837-38, il avait plus que tout autre besoin de pardon, puisque pendant cinquante ans, d'après son propre compte, il a fait de l'opposition à un mauvais gouvernement, opposition qui nous a conduits aux événemens dont nous parlons. Je suivais ses pas, comme son humble partisan, car je n'étais pas un des mineurs de la politique d'alors, que je ne puis cependant qu'approuver. Je dormais donc paisiblement sur la paille dans mon cachot, tandis que le vénérable monsieur se trouvait mal à son aise et comme sur la dure lorsqu'il était couché sur le duvet (he found his downy pillow-hard). Il était en sureté cependant, et moi, ma vie ne tenait qu'à un fil.[328]

Ici plusieurs membres de la droite se mirent à rire ironiquement de cette allusion que fesait M. Nelson aux dangers où s'étaient trouvées (sic) ses jours[329].

Là-dessus, DR. NELSON, se retournant vers eux leur dit[330] ... riez, messieurs, je méprise votre ironie.

Personne, M. l'Orateur, plus que le membre pour les Trois-Rivières ne prêche la morale; personne ne porte aussi souvent la main sur sa conscience, or, cette même conscience ne pouvait manquer de lui faire d'amers reproches sur l'attitude extrêmement prudente qu'il prit tout-à-coup à l'approche des difficultés. Mon honorable ami du comté de Québec a dit que l'on m'avait pardonné, c'est une erreur, quoiqu'il ne soit pas humiliant de recevoir un pardon, après une lutte politique. Non, M. l'Orateur, on ne m'a pas pardonné; mais lord Durham, ce grand et

excellent homme qui est mort bien trop vite pour le bonheur de ce pays, a été forcé, pour s'exempter d'une poursuite en dommage pour nous avoir exilés mes sept compagnons et moi, aux Bermudes, de recourir à une loi d'indemnité, poursuite qui, je suis heureux de le dire, n'aurait été intentée par aucun de nous. Nous nous sommes offerts en sacrifice sur l'autel de la patrie, et c'est avec joie que nous aurions tout souffert pour obtenir la tranquillité et le bonheur de cette patrie. Voici ce qui en est, quant à cette prétendue confession de culpabilité qu'on a dit que nous avions faite. Un individu, mû par les meilleurs motifs, se mit en communication avec nous sans que lord Durham l'ignorât. Tout ce que l'on appelle une confession, le voici: "Si c'est un crime de chérir son pays, d'aimer sa constitution, et de nourrir des vues et des aspirations élevées, nous étions coupables, et non autrement." Sur cet aveu, nous fûmes envoyés aux Bermudes, et quelques jours après les portes des prisons s'ouvrirent et des centaines de braves et honnêtes citoyens s'en retournèrent au sein de leurs familles, après un long et cruel emprisonnement et furent rendus à la patrie qui pleurait leur malheur et tremblait pour leurs jours. Tels furent les résultats de cette confession. Si j'en avait fait une pleine et entière, et que l'on voudrait entacher de déshonneur, devrais-je rougir lorsqu'elle aurait peut-être sauvé la vie d'une foule de mes concitoyens? ... mais de quel crime étions-nous accusés? celui d'avoir eu recours à la première des lois de la nature, qui émane de Dieu même et qui enjoint à l'homme de défendre ses jours et se protéger contre les attaques meurtrières d'un ennemi. Je n'ai donc rien fait dont je puisse avoir honte, et que je puisse me reprocher.[331]

Ecoutez, s'écria ici ironiquement M. GOWAN.[332]

DR. NELSON ((continued)). Je n'ai que deux mots à répondre à l'interruption de l'honorable membre: Je doute fort M. l'Orateur, que s'il se trouvait dans de semblables difficultés, il sût s'en retirer avec autant d'honneur.

Puisque j'ai la parole, je remarquerai qu'il aurait été très facile de la part des ministres de mettre entre les mains de Son Excellence une adresse qui aurait rencontré l'assentiment unanime de cette chambre. Mais non, il fallait de la discorde. On savait que personne ne se refuserait à sympathiser avec lord Metcalfe, à cause de ses souffrances et de ses infirmités, - cependant, il fallait ajouter que son administration avait plû à tout le monde, et qu'en conséquence tout le monde lui portait reconnaissance. Or, tel n'est pas le cas; - nous devons donc nous opposer formellement à ce qu'une telle expression de sentiments émanés de cette chambre, vû qu'elle ne serait fondée "ni en justice ni en vérité."[333]

MR. BOULTON. I did not intend to say anything on the subject to night, but honourable gentlemen seem to have forgotten the address. The debate has consisted principally in recriminations in relation to the late rebellion. They come with a bad grace from the hon. gentleman opposite.[334] Such recriminations should not be allowed; they should all be forgotten; but as they had spoken he would tell them[335] ((that)) the Member for Richelieu, of all others, should have been the last man to make those allusions,

for he should recollect, and the country could not forget that the blood of a murdered Weir, yet unatoned, cried aloud for vengeance. - (Loud cheers[336] ((and)) loud cries of hear, hear.)[337] It is unfortunate that the subject has been introduced as it is likely to create a great deal of ill feelings.[338] They should speak on the address, and if they did not like it they could vote against it. They came to that house not to accuse one another relative to the late rebellion, but to legislate.[339]

DR. NELSON. The hon. member has alluded to a subject of which he probably knows nothing. If acquainted with the facts his allusion was most unjustifiable, if not he should have abstained from saying anything about it. I had as little to do with the unfortunate affair alluded to as you Mr. Speaker, or the hon. member, and I regretted it as deeply as any one could do.[340]

MR. BOULTON explained that he did not charge the hon. member with being implicated in that affair.[341]

MR. J.S. MACDONALD (of Glengarry) said that before voting on the amendment under consideration he was desirous of making a few brief observations, for having voted, during the last Session for the congratulatory Address to Lord Metcalfe, on his elevation to the Peerage, it might appear inconsistent in him, without an explanation, to be found voting in favor of the amendment now before the House. It will be in the recollection of the House that in the debate upon that address, he made a special reservation, to this effect, that as he could not regard the course followed by Lord Metcalfe since he assumed the reins of Government in Canada, as, entitled to Royal favour, so he (Mr. M'D.) must be considered, as voting on that address upon the sole consideration that, he, Lord Metcalfe, had secured his Peerage for eminent services rendered - in the East and West Indies - and that the learned Sol. General, West forthwith declared in his place, that there was nothing political in that Address. He had no objection to the present Resolution except that part relating to Lord Metcalfe. The hon. and gallant Member for Dundas had spoken of the Reform Association, and its influence, but he took good care not to allude to the extraordinary efforts made by the Government (of which he was an efficient supporter,) to mislead the people by inflammatory addresses - nor to the powerful engine called Patronage - by which many were made to Rat - nor to the appointment of partizan Returning Officers, nor to the bribes offered to and in many instances, accepted by renegades who are to be found in all parties, and it was notorious that the last elections in Upper Canada, were influenced by the causes to which he had last adverted.

A great deal had been said, as to the state of public feeling in Upper Canada, and we are told, that there is a strong reaction in favour of the present Ministry in that section of the Province. He (Mr. McD.) protested against such assertions, and he would challenge proof in support of them - excepting what has been stated by the hon. member for Leeds with reference to Municipal Councillors in two Townships, which had supported the hon. member for Lanark, no evidence is offered - where, he would ask is the

constituency in Upper Canada, having now a liberal representative in this House, which would elect the hon. the Inspector General - it took that hon. gentleman several months before he could strike a bargain even in the Tory Counties - and if report be true, a feeler for him was put forth in Kent, but the people would not have him - at last he found shelter in that very populous county called Huron. Now he (Mr. McD.) would undertake to shew that notwithstanding the great efforts made by Lord Metcalfe, twelve counties returned as many Liberals on the principles avowed by the ex-Ministry, viz: Messrs. Prince, Powell, Dr. Smith, Merritt, Price, Baldwin, Small, Harrison, Cameron, Thompson, Roblin, and J. S. McDonald - add to that number, Messrs. Thorburn, Crane, Morris, Cook, and Killaly, who, entertaining the same principles, and having voted on Mr. Price's famous Resolution, could no doubt, have secured their seats had they presented themselves for re-election. He would ask where is the man who doubts that that honest and consistent Reformer the Hon. James Morris, would not now be representing Leeds had he chosen to come forward[342].

Here MR. GOWAN interrupted Mr. McDonald, and stated that Mr. Morris not only voted against him (Mr. Gowan) but recommended Mr. Buell to the Electors. (Hear, hear.)[343]

Again MR. J. S. MACDONALD would ask, if Mr. Crane could not have been returned - and so in his belief could the others had they thought proper to present themselves, he would not even except Mr. Killaly whose return for the Town of London, would no doubt be certain, notwithstanding its celebrity, then Mr. Speaker, added (Mr. M'D.) it will appear that twelve Counties have nobly sustained the ex-Ministry, and that seven others would have also come out in like manner - leaving but seventeen Counties in favor of Lord Metcalfe, add to these the nine members for the City of Toronto, and the towns almost invariably in favor of the Tories, and where is the great victory even during the late contest, when the liberals were charged with treasonable plots against the Queen, had all odds against them, when the funds of the Province were pledged, for the improvement of several localities which promised to adhere to Lord Metcalfe - in fact out of the forty-two Representatives for Upper Canada, only about half of the Counties supported the new Ministry. How he would enquire, did the gallant Colonel who now represented Essex obtain his seat? was it not solely on the ground of his having advocated the principles of the ex-Ministry, with whom he voted on the memorable occasion at Kingston, and his speech was then such as convinced all who heard him that he was in earnest for the maintenance if necessary with force, of the very principles of consititutional (sic) government for which the then ministry had contended. (Hear, hear, hear.) The hon. member was returned by a large majority in opposition to Lord Metcalfe's views.[344]

Here COL. PRINCE rose and said he had gained his election by consistency and propriety of conduct.[345]

Cheers and laughter from both sides.[346]

MR. J. S. MACDONALD repeated some observation regarding the gallant Colonel's mode of gaining his election[347].

COL. PRINCE said it is false.[348]

Loud cries of "Order, order."[349]

SIR ALLAN MACNAB.--The Speaker called the hon. member to order.[350]

COL. PRINCE.--I say it is false, and will not retract it.[351]

Great confusion, and cries of "order."[352]

SIR ALLAN MACNAB.--The hon. member is out of order; such language is unparliamentary. This house must support me, and they have to deal with the member for the language.[353]

MR. AT. GEN. DRAPER.--I have the pleasure of an intimate acquaintance with the member for Essex, and I am connected in the question of debate, and I think he will permit me to state, that after having been called to order by the Speaker,[354] ((and)) upon reflection[355], I think it is a duty he owes to himself, his friends, and this house more particularly, to yield to the chair, and to retract the expression without regard to the correctness of the facts.[356] Putting aside all other considerations, he hoped that so old a Member would not set so bad an example to the House.[357]

COL. PRINCE.--Some allowance Mr. Speaker must be made for[358] the infirmities of humanity. He ((Col. Prince)) had smarted under false imputations, and regretted that he had, in the presence of the House and the Speaker, made use of the language he had done.[359] The hon. member has thought proper to charge me with inconsistency, and to state that which was not founded on facts. To the house and the[360] Speaker[361] alone, therefore do I apologize for using such language, and to the House alone do I retract it[362] and not to the individual who had called forth the remark.[363]

MR. J. S. MACDONALD resumed. He was indeed glad to notice that the Hon. Member, at the solicitude of the Attorney General, had so far condescended as to apologize for the offensive term made use of by him. And as respected the application of that term to the assertion by him (Mr. M'D.) he would not fail to take early occasion elsewhere to refer to it. He (Mr. M'D.) contended, that as regarded the reaction, as evidenced in the late Municipal Election, of which the Hon. Member for Leeds had spoken, his (Mr. M'Donald's) district showed a reaction on the other side - that so long as the Executive patronage remained with the present Ministry there was little hope at present for a strong manifestation for the Liberal party; but the time was not far off when the people would oust them from their places, and transfer the management of the affairs of this Province into other hands. He (Mr. M'D.) would declare here, that he, in common with every christian in the Province, felt sincere sympathy for the severe affliction under which Lord Metcalfe was suffering, and which caused him to leave Canada; and had the resolution moved by the Hon. Member for Essex confined itself to an expression

on that account, he (Mr. M'D.) would have cheerfully supported it; but to say that that nobleman's administration of public affairs had on all occasions earned for him the esteem of those over whom he governed, is going farther than he (Mr. M'D.) was prepared to go.[364]

COL. PRINCE[365] rose amid loud cries of "question"[366]. ((He)) had heard it remarked in his own country before he left it, that ... if you would see corruption in the greatest excess you must go to a colony, (hear, hear,) and he felt the truth of the remark when he looked on some of the gentlemen in the front of the opposite benches. Before entering on the subject more immediately before the Chair, he (Mr. P.) wished to correct the Hon. Member for Leeds, who had misrepresented his Hon. friend for Lanark. His Hon. friend had not accused all of the gentlemen opposite of being sycophants, but only those of them who had supported all the four former Governors. Ausllion (sic) had been made to his Hon. friend's discharge of his duties as Commissioner of Customs. He well recollected that many on the other side of the house, the late member for Huron particularly, had eulogized his Hon. friend for his able discharge of those duties. The member for Leeds must know that the Municipal Bill was not introduced by the Ministry, of which his Hon. friend, Mr. Baldwin, was a member.[367]

Here MR. GOWAN explained, and endeavoured to establish that Mr. Baldwin had been a member of the Ministry when the bill was prepared.[368]

MR. BALDWIN denied having had any hand whatever in preparing it.[369]

MR. PRICE - the hon. member must be aware that my hon. friend voted against the bill, as well as myself, and others of my friends on this side. I approved of the principle of the bill, but was dissatisfied with the details. The late Ministry came down with an amendment, but owing to the disruption their measure was lost. He (Mr. Price) did not wish to make any observation that would wound the feelings of the hon. and learned member for Essex; but really he could not understand how that hon. gentleman, after voting for his resolution of confidence in the Ex-ministers, could now support the address before the House. The hon. member for Leeds had expressed a hope that we would have no more ministerial measures involving the fate of the Administration; but he (Mr. P.) was sure the hon. member could find no precedent in English practice of individual members of an administration supporting such measures only as they thought expedient. He (Mr. P.) did not mean to say that a ministry should resign every time it was left in a minority; but it ought to be prepared with great measures on which its views were in harmony with the majority of the House, and of the country. The University question was one of this description. It was agitating the whole country, and he (Mr. P.) blamed the Ministry for not coming down and meeting the question manfully. The Municipal Act, if amended, would give general satisfaction to the country; but there were many important alterations imperatively required, and with regard to the School Act, was it not true that a gentleman notorious for his political turpitude, had been hired to go to Europe to concoct a scheme of education? Where was this individual's report? What do the Ministry

propose to do regarding the University question? Will they bring down a measure, and stand or fall by it? They must know that no sectarian measure will give satisfaction; and yet from what he (Mr. P.) knew of the opinions of gentlemen opposite, he feared they would not approve of any liberal proposition. The endowment however must not be divided. With regard to patronage, of which much had been said by gentlemen opposite, he (Mr. P.) was not aware of any appointments which were not made from the Tory ranks. It has been said that the gentlemen opposite have a great majority. It is true they have a numerical majority in this House, but how was it in the country? Taking the late census as a guide, he (Mr. P.) could shew that the liberal party had a majority of 206,524 of the population; and even in Upper Canada, should the contested counties be decided in favour of the petitioners, they would after all their boasting, have only a majority of about 27000, and in this calculation he (Mr. P.) had handed over to the administration the consistent member for Essex with his copper mines, silk gown and all, although it was well known that the hon. member had been returned to support the late ministers. But how was this majority attained? By misrepresentation, - by persuading the people that the Ex-ministers and their friends were under Lower Canada influence, and preferred to sacrifice Upper Canada. Such charges had been generally made both against himself and his friends. The removal of the Seat of Government had been adduced as a proof; then there was the celebrated hand-bill of the Hon. member for Durham, with his "Tinkers, Barkers, Shavers," &c. &c. And there was also great misrepresentation rgarding (sic) the Assessment Bill: - a measure not then well understood but which was now very popular throughout the country. Since the election a reaction had taken place, and he (Mr. Price) believed that if there was a dissolution the supporters of the Ex-Ministry would succeed in every place but the rotten boroughs. He (Mr. P.) should of course oppose the resolutions. How can hon. gentlemen expect him to support their address when it was notorious that the present Government had been a complete failure, and that all the measures it had proposed last session had been abortions?[370]

(6)

Division on main motion. *and the question having been put thereon, a division ensued*[371]*, and the names being called for, they were taken down as followeth:--*

YEAS.

Messieurs Baldwin, Brooks, Cayley, Chalmers, Christie, Colville, [illegible], Day, Debartzch, Attorney General Draper, Duncan, Ermatinger, [illegible], Hall, Hall, Hall, Hincks, Johnston, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, [illegible], Price, Prince, Robinson, Rolph, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Watts, Webster, Williams, and Woods.--(43.)

NAYS.

Messieurs Armstrong, Baldwin, Berthelot, Boutillier, Cameron, Cauchon,

Cabot, Chauveau, Desaunier, DeWitt, Drummond, Franchère, Guillet, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Méthot, Morin, Nelson, Price, Roblin, Rousseau, and Taché.--(27.)

So it was carried in the affirmative, and

Address in answer to Speech. *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, to thank His Excellency for His gracious Speech from the Throne, at the opening of the present Session, and to assure His Excellency:--*

That this House respectfully offers to His Excellency its congratulations on his assumption of the Government of this Province as Administrator, and on the determination of Her Majesty to nominate His Excellency as Her future Representative in this Province.

That this House concurs with His Excellency in expressing sincere regret at the painful cause which removed His Excellency's distinguished

(7)

Predecessor from a station, the duties whereof he discharged with a zeal and ability that on every occasion won for him the highest approbation of His Sovereign, and the respect and gratitude of the people over whom he presided as Her Representative.

That this House will thankfully receive Her Majesty's most gracious replies to the several Addresses which were adopted during the last Session of the Legislature.

That the early attention of this House will be directed to the state of the Militia, the re-organization of which is, as His Excellency informs us, rendered more immediately necessary by the unsettled state of the negociations which have for some time past been carried on between the Imperial Government and that of the United States of America.

That this House begs leave to assure His Excellency that Her Majesty may rely, with the most unbounded confidence, that the loyalty and patriotism of every class of Her Majesty's subjects in Canada, will be as conspicuous as they have heretofore been, should occasion call for their services, to aid in the protection of their country; and that this House is sensible of the necessity of a well digested and uniform system to give a fitting direction to their most zealous efforts.

That this House accepts with gratitude His Excellency's assurance, that while Our Most Gracious Sovereign will ever reply on the free and loyal attachment of the Canadian people for the defence of this Province, and the continuance of British connexion, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy, corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

That the subject of the Civil List, which was brought under the consideration of this House by His Excellency's Predecessor, will engage its attention, with the view of making such a provision as will enable Her Majesty to give effect to its wishes by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

That this House will immediately take into consideration the Financial Accounts of the past, as well as the Estimates for the current year.

That the expediency of providing for the prosecution and completion of the Public Improvements undertaken with the sanction of Parliament, will occupy the deliberation of this House.

That it affords this House pleasure to know, that the Revenue of the past year has not fallen short of the expectations which were entertained of its amount; and that this House assures His Excellency of its willingness to make such provision for the Public Service, as the interests of the people may require.

That this House deeply deplores the unexampled calamity to which the ancient City of Quebec has been subjected, and assures His Excellency of its readiness to concur in such indispensable measures as His Excellency's Predecessor adopted on the exigency.

That this House gratefully acknowledges the sympathy and benevolence of the different portions of the British Empire, called forth by the infliction with which it pleased Divine Providence to visit the citizens of Quebec; and most fully appreciates the noble generosity which has been exhibited, and which has truly proved that the inhabitants of this Province are regarded by the people of Great Britain as their brethren and fellow-subjects; and that it will be happy to consider any other measure which it may be proper to adopt for the restoration of that which has been destroyed.

That this House is sensible of the importance of the intelligence which has been received respecting the intended change in the commercial policy of Great Britain, and rejoices to hear that His Excellency has already pressed on Her Majesty's Government a consideration of the effect which the contemplated change might have on the interests of Canada, and sincerely hopes, that when the projected scheme shall be fully developed, it will be found that the claims of this country to a just measure of protection have not been overlooked.

That this House thankfully receives the offer of His Excellency's co-operation in all measures for securing the prosperity of this Province, and earnestly trusts that under the direction an All-wise Providence, a course will be pursued calculated to promote the best interests, and to foster the rising growth of this rapidly advancing Colony.

Resolution referred.

Resolved, That the said Resolution be referred to a Select Committee composed of Mr. Prince, Mr. Gowan, and Mr. Smith of Frontenac, to prepare and report the draught of an Address in answer to the Speech of His Excellency, the Administrator of the Government, to both Houses of the Legislature at the opening of the present Session of the Provincial Parliament, in conformity to the said Resolution.

Address to His Excellency the Administrator in answer to Speech.

Mr. Prince reported from the Select Committee appointed to draw up an Address to His Excellency, the Administrator of the Government, that they had drawn up an Address accordingly, and the same was read at the Clerk's table, and agreed to by the House, and is as followeth:--

To His Excellency, Lieutenant General, the Right Honourable CHARLES MURRAY, Earl Cathcart of Cathcart, in the County of Renfrew, Knight Commander of the Most Honourable Military Order of the Bath, Administrator of the Government of the Province of Canada, and Commander of Her Majesty's Forces in British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Canada, in Provincial Parliament assembled, humbly beg leave to thank Your Excellency for your gracious Speech from the Throne, at the opening of the present Session.

We respectfully offer to Your Excellency our congratulations on your assumption of the Administration of the Government of this Province, and on the determination of Her Majesty to nominate Your Excellency as Her future Representative therein.

We heartily concur with Your Excellency in the expression of sincere regret at the painful cause which removed Your Excellency's distinguished Predecessor from a station, the duties whereof he discharged with a zeal and ability that, on every occasion won for him the highest approbation of His Sovereign, and the respect and gratitude of the people over whom he presided, as Her Representative.

We will thankfully receive Her Majesty's most gracious replies to the several Addresses which were adopted during the last Session of the Legislature.

We assure Your Excellency that our early attention will be directed to the state of the Militia, the re-organization of which is, as Your Excellency informs us, rendered more immediately necessary by the unsettled state of the negociations which have, for some time past, been carried on between the Imperial Government and that of the United States of America.

We further beg leave to assure Your Excellency that Her Majesty may rely, with the most unbounded confidence, that the loyalty and patriotism of every class of Her Majesty's subjects in Canada, will be as conspicuous as they have heretofore been, should occasion call for their services to aid in the protection of their country; and that we are sensible of the necessity of a well digested and uniform system to give a fitting direction to their most zealous efforts.

(8)

We accept with gratitude Your Excellency's assurrance, that while Our Most Gracious Sovereign will ever rely on the free and loyal attachment of the Canadian people for the defence of this Province, and the continuance of British connexion, Her Majesty will be prepared, as Her Predecessors have always been, to provide with promptitude and energy, corresponding with the power and resources of the Empire, for the security of Her North American Dominions.

The Civil List, which was brought under our consideration by Your Excellency's Predecessor, will not fail to engage our attention, with the view of making such a provision as will enable Her Majesty to give

effect to our wishes by recommending to the Imperial Parliament the requisite changes in the Act of Re-union.

We will immediately take into consideration the Financial Accounts of the past, as well as the Estimates for the current year.

The expediency of providing for the prosecution and completion of the Public Improvements, undertaken with the sanction of Parliament, will occupy our deliberate attention.

It affords us pleasure to know that the Revenue of the past year, has not fallen short of the expectations which were entertained of its amount; and we assure Your Excellency of our willingness to make such provision for the Public Service, as the interests of the people may require.

We deeply deplore the unexampled calamity to which the ancient City of Quebec has been subjected, and assure Your Excellency of our readiness to concur in such indispensable measures as Your Excellency's Predecessor adopted on the exigency.

We gratefully acknowledge the sympathy and benevolence of the different portions of the British Empire, called forth by the infliction with which it pleased Divine Providence to visit the citizens of Quebec; and most fully appreciate the noble generosity which has been exhibited, and which truly proves that the inhabitants of this Province are regarded by the people of Great Britain as their brethren and fellow subjects; and we shall be happy to consider any other measure which it may be proper to adopt for the restoration of that which has been destroyed.

We are sensible of the importance of the intelligence which has been received, respecting the intended change in the commercial policy of Great Britain, and rejoice to hear that Your Excellency has already pressed on Her Majesty's Government a consideration of the effect which the contemplated change might have on the interests of Canada, and sincerely hope that, when the projected scheme shall be fully developed, it will be found that the claims of this Country, to a just measure of protection, have not been overlooked.

We thankfully receive the offer of Your Excellency's co-operation in all measures for securing the prosperity of this Province, and earnestly trust that, under the direction of an all-wise Providence, a course will be pursued calculated to promote the best interests, and to foster the rising growth, of this rapidly advancing Colony.

COL. PRINCE, ((seconded by MR. DEBLEURY, moved that the address, embodying the resolutions, be engrossed.))[372]

(8)

Ordered, That the said Address be engrossed.

Resolved, That the said Address be presented to His Excellency, the Administrator of the Government, by the whole House.

Ordered, That such Members of this House, as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Administrator of the Government, to know His Excellency's pleasure, when He will be attended by this House with its Address.

The Honourable Mr. Attorney General Draper, one of the Members of the Executive Council, rose in his place and acquainted Mr. Speaker and the House, that His Excellency, the Administrator of the Government, will receive the House, with its Address, to-morrow, at three o'clock, P.M., at the Government House.

Then, on motion of Mr. Macdonell of Dundas, seconded by the Honourable Mr. DeBleury,
The House adjourned.[373]

FOOTNOTES: 23 MARCH 1846.

1. The debate on this matter was reported in: MIRROR, 23 March 1846, and PILOT, 24, 26 March 1846, in identical accounts; MONTREAL GAZETTE, 25 March 1846, BRITISH COLONIST, 7 April 1846, and COBOURG STAR, 8 April 1846, in accounts which are identical except that in the COLONIST and the STAR some speeches have been entirely omitted; L'AURORE, 27 March 1846, which was copied by LE CANADIEN, 3 April 1846, and whose account was copied by LA MINERVE, 30 March 1846; LE CANADIEN, 27 March 1846; L'AURORE, 1 April 1846; COBOURG STAR, 8 April 1846, and CHATHAM GLEANER, 6 April 1846 in identical accounts, and the KINGSTON NEWS, 30 March 1846, which was in some respects identical to these two accounts, and in others different; and PILOT, 24 March 1846, which was copied by BROCKVILLE RECORDER, 2 April 1846, and by ST. CATHARINES JOURNAL, 2 April 1846. Baldwin's speech was reported identically by MIRROR and MONTREAL GAZETTE except the account in MONTREAL GAZETTE was a little longer, although it left out the sections on revenue and public improvements. The accounts of Aylwin's speech in the two papers were also very similar, although the account in MONTREAL GAZETTE was fuller. The debate was also reported in: LE JOURNAL DE QUEBEC, 31 March, 2, 4 April 1846, and LA MINERVE, 26, 30 March 1846, in accounts which are identical in some respects and dissimilar in others, and each containing speeches omitted from the other. LE JOURNAL DE QUEBEC acknowledged its source as LA REVUE CANADIENNE. Commentaries are contained in: LE JOURNAL DE QUEBEC, 24 March 1846, and L'AURORE, 27 March 1846. LE JOURNAL DE QUEBEC, 28 March 1846, reported that the debate began around 5 o'clock and ended at 11:15.
2. CHATHAM GLEANER, 6 April 1846, noted that Prince spoke "in his accustomed felicitous manner" while the PILOT, 24 March 1846, observed that he saw everything in "couleur de rose", and "extolled Lord Metcalfe to the skies, totally forgetful of his speeches in 1843." Commented LE JOURNAL DE QUEBEC, 28 March 1846, "M. Prince ... a été chargé de proposer la réponse, et ... l'a fait avec talent, avec cette facilité d'élocution qui le distingue entre tous les parleurs de la chambre. L'expérience m'a prouvé cependant, que, malgré le charme de son language (sic), il était sans profondeur et sans substance. C'est toujours le même choix de belles expressions, toujours cette admiration emphatique pour l'homme ou la chose dont il a à parler; croirait que, quand il a discuter (sic) les actes d'un ami, il fait son oraison funèbre."
3. MONTREAL GAZETTE, 25 March 1846.
4. MIRROR, 23 March 1846.
5. MONTREAL GAZETTE, 25 March 1846.
6. MIRROR, 23 March 1846.
7. MONTREAL GAZETTE, 25 March 1846.
8. MIRROR, 23 March 1846.
9. MONTREAL GAZETTE, 25 March 1846.
10. MIRROR, 23 March 1846.
11. MONTREAL GAZETTE, 25 March 1846.
12. MIRROR, 23 March 1846.

13. MONTREAL GAZETTE, 25 March 1846.
14. MIRROR, 23 March 1846.
15. MONTREAL GAZETTE, 25 March 1846.
16. MIRROR, 23 March 1846.
17. MONTREAL GAZETTE, 25 March 1846.
18. MIRROR, 23 March 1846.
19. MONTREAL GAZETTE, 25 March 1846.
20. MIRROR, 23 March 1846.
21. MONTREAL GAZETTE, 25 March 1846.
22. MIRROR, 23 March 1846.
23. MONTREAL GAZETTE, 25 March 1846.
24. MIRROR, 23 March 1846.
25. PILOT, 24 March 1846.
26. MONTREAL GAZETTE, 25 March 1846.
27. MIRROR, 23 March 1846.
28. MONTREAL GAZETTE, 25 March 1846.
29. MIRROR, 23 March 1846.
30. MONTREAL GAZETTE, 25 March 1846.
31. MIRROR, 23 March 1846.
32. MONTREAL GAZETTE, 25 March 1846.
33. MIRROR, 23 March 1846.
34. MONTREAL GAZETTE, 25 March 1846.
35. MIRROR, 23 March 1846.
36. MONTREAL GAZETTE, 25 March 1846.
37. MIRROR, 23 March 1846.
38. MONTREAL GAZETTE, 25 March 1846.
39. MIRROR, 23 March 1846.
40. MONTREAL GAZETTE, 25 March 1846.
41. MIRROR, 23 March 1846.
42. LE JOURNAL DE QUEBEC, 28 March 1846.
43. IBID.
44. IBID.
45. IBID.
46. MIRROR, 23 March 1846.
47. MONTREAL GAZETTE, 25 March 1846.
48. MIRROR, 23 March 1846.
49. LE JOURNAL DE QUEBEC, 28 March 1846, referred to "le facétieux Jamy Johnson" and the CHATHAM GLEANER, 6 April 1846, noted that Johnston spoke "in his own peculiar style."
50. MIRROR, 23 March 1846.
51. The PILOT, 24 March 1846, observed: "Mr. Baldwin's speech was listened to with great attention, and was loudly cheered by his friends."
52. MIRROR, 23 March 1846.
53. KINGSTON NEWS, 30 March 1846.
54. MIRROR, 23 March 1846.
55. KINGSTON NEWS, 30 March 1846.
56. CHATHAM GLEANER, 6 April 1846.
57. KINGSTON NEWS, 30 March 1846.
58. MIRROR, 23 March 1846.
59. KINGSTON NEWS, 30 March 1846.

CHATHAM CLEANER, 6 April 1846.
KINGSTON NEWS, 30 March 1846.
MONTREAL GAZETTE, 25 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
LA MINERVE, 26 March 1846, used the more appropriate word "maladie" rather than "calamity".
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
MONTREAL GAZETTE, 25 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
MONTREAL GAZETTE, 25 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MONTREAL GAZETTE, 25 March 1846.
MIRROR, 23 March 1846.
KINGSTON NEWS, 30 March 1846.
MONTREAL GAZETTE, 25 March 1846.
KINGSTON NEWS, 30 March 1846.
MONTREAL GAZETTE, 25 March 1846.
KINGSTON NEWS, 30 March 1846.
MIRROR, 23 March 1846.

108. KINGSTON NEWS, 30 March 1846.
109. MIRROR, 23 March 1846.
110. KINGSTON NEWS, 30 March 1846.
111. MIRROR, 23 March 1846.
112. KINGSTON NEWS, 30 March 1846.
113. MIRROR, 23 March 1846.
114. KINGSTON NEWS, 30 March 1846.
115. MIRROR, 23 March 1846.
116. MONTREAL GAZETTE, 25 March 1846.
117. KINGSTON NEWS, 30 March 1846.
118. MIRROR, 23 March 1846.
119. KINGSTON NEWS, 30 March 1846.
120. MIRROR, 23 March 1846.
121. KINGSTON NEWS, 30 March 1846.
122. MIRROR, 23 March 1846.
123. KINGSTON NEWS, 30 March 1846.
124. MIRROR, 23 March 1846.
125. KINGSTON NEWS, 30 March 1846.
126. MIRROR, 23 March 1846.
127. KINGSTON NEWS, 30 March 1846.
128. MIRROR, 23 March 1846.
129. KINGSTON NEWS, 30 March 1846.
130. MONTREAL GAZETTE, 25 March 1846.
131. KINGSTON NEWS, 30 March 1846.
132. MIRROR, 23 March 1846.
133. KINGSTON NEWS, 30 March 1846.
134. MIRROR, 23 March 1846.
135. KINGSTON NEWS, 30 March 1846.
136. MIRROR, 23 March 1846.
137. KINGSTON NEWS, 30 March 1846.
138. MIRROR, 23 March 1846.
139. LE CANADIEN, 27 March 1846, noted: "M. Aylwin se lève et parle pendant 30 minutes." L'AURORE, 27 March 1846, observed: "On ne peut refuser beaucoup d'esprit et d'éloquence à M. Aylwin; mais il faut avouer qu'il en abuse passablement." The CHATHAM GLEANER, 6 April 1846, commented: "He spoke, or rather prattled, for 30 or 40 minutes; but, as is usual with the hon. member for 'my native city,' upon matters utterly and entirely irrelevant."
140. MIRROR, 23 March 1846.
141. LE JOURNAL DE QUEBEC, 28 March 1846.
142. MIRROR, 23 March 1846.
143. MONTREAL GAZETTE, 25 March 1846.
144. MIRROR, 23 March 1846.
145. MONTREAL GAZETTE, 25 March 1846.
146. MIRROR, 23 March 1846.
147. MONTREAL GAZETTE, 25 March 1846.
148. MIRROR, 23 March 1846.
149. MONTREAL GAZETTE, 25 March 1846.
150. MIRROR, 23 March 1846.

151. MONTREAL GAZETTE, 25 March 1846.
152. MIRROR, 23 March 1846.
153. MONTREAL GAZETTE, 25 March 1846.
154. MIRROR, 23 March 1846. According to the MONTREAL GAZETTE, 25 March 1846, this was an announcement which gave general satisfaction."
155. All the newspapers reported that debates arose before Baldwin's amendment, but not upon it, the rest of the debate being on the main motion.
156. The PILOT, 24 March 1846, observed: "The debate after the division became more animated."
157. LA MINERVE, 26 March 1846, gave the following reason for not reporting Viger's speech: "Le bruit que fesaient ses supporteurs pendant son discours a été cause qu'aucun des rapporteurs des journaux n'a pu en faire l'analyse." According to LE JOURNAL DE QUEBEC, 28 March 1846, however, Viger's speech was received in a totally different manner by the House: "Il fut écouté avec une indifférence, un dédain marqué par toute la chambre. Jamais je n'ai entendu rien de si pitoyable, de si désolant pour la nationalité Canadienne-Française que la voir représentée par un homme qui joua un rôle autrefois, et qui est si littéralement incapable aujourd'hui." Since Viger's speech was printed by L'AURORE, 27 March 1846, and by LA MINERVE, 30 March 1846, it seems fairly conclusive that Viger must have submitted a written transcript of his speech to L'AURORE, whose account was copied by LA MINERVE. The speech did not appear in LE JOURNAL DE QUEBEC.
158. MIRROR, 23 March 1846.
159. L'AURORE, 27 March 1846.
160. LE JOURNAL DE QUEBEC, 28 March 1846.
161. L'AURORE, 27 March 1846.
162. Cauchon's speech, reported at length and identically in the politically sympathetic LA MINERVE and LE JOURNAL DE QUEBEC, prompted editorial comments from two politically opposed papers, the MONTREAL GAZETTE, 25 March 1846, and L'AURORE, 27 March 1846. The GAZETTE wrote that: "He ((Viger)) was succeeded by MR. CAUCHON, the virulence of whose volubility was chiefly directed against the venerable President of the Council; and if there be honour in a French Canadian singling out for insult one who has ever fought the battles of his countrymen, and suffered for them, both in purse and person, more than any other of his fellows, - if there be honour in a beardless boy throwing ridicule upon the head of one who, whatever have been his faults, has grown gray in the service of his country, - Mr. Cauchon earned it, and we wish him joy of it." L'AURORE's comment was as follows: "Il renouvella (sic) contre le ministère toutes les petites accusations que le journalisme déverse sur lui depuis deux ans. Mais de la question de l'adresse, l'hon. membre, n'y songea seulement pas. Ce n'est pas sans raison que des journalistes, lui reprochent envers le président, une violence que rien ne saurait excuser; et qui est loin de faire honneur au pays."
163. MIRROR, 23 March 1846.
164. LA MINERVE, 30 March 1846.
165. MONTREAL GAZETTE, 25 March 1846.

166. CHATHAM GLEANER, 6 April 1846. The MIRROR mistakenly refers to the first paragraph.
167. MONTREAL GAZETTE, 25 March 1846.
168. CHATHAM GLEANER, 6 April 1846.
169. MONTREAL GAZETTE, 25 March 1846.
170. CHATHAM GLEANER, 6 April 1846. The KINGSTON NEWS, 30 March 1846, reported this in the following terms: "The Governor General was a person living solely by his wealth." Evidently the "wealth" referred to was the political "capital" mentioned by the CHATHAM GLEANER.
171. MONTREAL GAZETTE, 25 March 1846.
172. MIRROR, 23 March 1846.
173. CHATHAM GLEANER, 6 April 1846.
174. MIRROR, 23 March 1846.
175. CHATHAM GLEANER, 6 April 1846.
176. MIRROR, 23 March 1846.
177. CHATHAM GLEANER, 6 April 1846.
178. MIRROR, 23 March 1846.
179. CHATHAM GLEANER, 6 April 1846.
180. MIRROR, 23 March 1846.
181. MONTREAL GAZETTE, 25 March 1846.
182. MIRROR, 23 March 1846.
183. CHATHAM GLEANER, 6 April 1846.
184. MONTREAL GAZETTE, 25 March 1846.
185. MIRROR, 23 March 1846.
186. MONTREAL GAZETTE, 25 March 1846.
187. MIRROR, 23 March 1846.
188. MONTREAL GAZETTE, 25 March 1846.
189. MIRROR, 23 March 1846. The MONTREAL GAZETTE, 25 March 1846, reported that the lion and lamb "fed together."
190. MONTREAL GAZETTE, 25 March 1846.
191. KINGSTON NEWS, 30 March 1846.
192. MONTREAL GAZETTE, 25 March 1846. The KINGSTON NEWS, 30 March 1846, phrased this segment of the speech in the following words: "there were fawning spaniels complimenting even Mr. Hincks...."
193. MIRROR, 23 March 1846.
194. KINGSTON NEWS, 30 March 1846.
195. MIRROR, 23 March 1846.
196. MONTREAL GAZETTE, 25 March 1846.
197. MIRROR, 23 March 1846.
198. KINGSTON NEWS, 30 March 1846.
199. MIRROR, 23 March 1846.
200. KINGSTON NEWS, 30 March 1846.
201. MIRROR, 23 March 1846.
202. PILOT, 24 March 1846.
203. MIRROR, 23 March 1846.
204. PILOT, 24 March 1846.
205. MIRROR, 23 March 1846.
206. CHATHAM GLEANER, 6 April 1846.
207. MIRROR, 23 March 1846.
208. LE JOURNAL DE QUEBEC, 28 March 1846, misidentifies the paper as "un

journal tory du Haut-Canada".
209. CHATHAM GLEANER, 6 April 1846.
210. KINGSTON NEWS, 30 March 1846.
211. CHATHAM GLEANER, 6 April 1846.
212. LE JOURNAL DE QUEBEC, 28 March 1846.
213. CHATHAM GLEANER, 6 April 1846.
214. MIRROR, 23 March 1846.
215. KINGSTON NEWS, 30 March 1846.
216. MIRROR, 23 March 1846.
217. MONTREAL GAZETTE, 25 March 1846. LE JOURNAL DE QUEBEC, 28 March 1846, commented that the Ministry refused to answer this "interpellation qui est pourtant parfaitement parlementaire."
218. CHATHAM GLEANER, 6 April 1846. The GLEANER described Johnston's remarks as "amusing".
219. KINGSTON NEWS, 30 March 1846.
220. MONTREAL GAZETTE, 25 March 1846.
221. MIRROR, 23 March 1846.
222. MONTREAL GAZETTE, 25 March 1846.
223. KINGSTON NEWS, 30 March 1846.
224. MONTREAL GAZETTE, 25 March 1846.
225. KINGSTON NEWS, 30 March 1846.
226. MIRROR, 23 March 1846.
227. MONTREAL GAZETTE, 25 March 1846.
228. Gowan's speech prompted editorial comments from papers both supporting and opposing him. According to the CHATHAM GLEANER, 6 April 1846: "MR. GOWAN made by far the best speech of the evening, and carried the war into the enemy's camp in a way that must have surprised their weak nerves. It was a triumphant defence of the ministry, and furnished proof by facts of the successful character of Lord Metcalfe's policy." On the other hand, LA MINERVE, 26 March 1846, and LE JOURNAL DE QUEBEC, 2 April 1846, observed: "M. Gowan fit alors un long discours où il poussa souvent des cris de joie en fesant la comparaison entre la faiblesse du ministère, l'an dernier, et sa force cette année. Son discours fut si long, et si éloigné de la question qu'on le pria enfin de s'asseoir."
229. MONTREAL GAZETTE, 25 March 1846.
230. KINGSTON NEWS, 30 March 1846.
231. MONTREAL GAZETTE, 25 March 1846.
232. KINGSTON NEWS, 30 March 1846.
233. MONTREAL GAZETTE, 25 March 1846.
234. KINGSTON NEWS, 30 March 1846.
235. MONTREAL GAZETTE, 25 March 1846.
236. KINGSTON NEWS, 30 March 1846.
237. MONTREAL GAZETTE, 25 March 1846.
238. KINGSTON NEWS, 30 March 1846.
239. MONTREAL GAZETTE, 25 March 1846.
240. KINGSTON NEWS, 30 March 1846.
241. MONTREAL GAZETTE, 25 March 1846.
242. KINGSTON NEWS, 30 March 1846.
243. MONTREAL GAZETTE, 25 March 1846.

244. KINGSTON NEWS, 30 March 1846.
245. MONTREAL GAZETTE, 25 March 1846.
246. IBID.
247. KINGSTON NEWS, 30 March 1846.
248. MONTREAL GAZETTE, 25 March 1846.
249. MIRROR, 23 March 1846.
250. MONTREAL GAZETTE, 25 March 1846.
251. MIRROR, 23 March 1846.
252. MONTREAL GAZETTE, 25 March 1846.
253. IBID.
254. IBID.
255. KINGSTON NEWS, 30 March 1846.
256. IBID.
257. MONTREAL GAZETTE, 25 March 1846.
258. KINGSTON NEWS, 30 March 1846.
259. MONTREAL GAZETTE, 25 March 1846.
260. KINGSTON NEWS, 30 March 1846.
261. MONTREAL GAZETTE, 25 March 1846.
262. KINGSTON NEWS, 30 March 1846.
263. MONTREAL GAZETTE, 25 March 1846.
264. KINGSTON NEWS, 30 March 1846.
265. MONTREAL GAZETTE, 25 March 1846.
266. KINGSTON NEWS, 30 March 1846.
267. MONTREAL GAZETTE, 25 March 1846.
268. KINGSTON NEWS, 30 March 1846.
269. MONTREAL GAZETTE, 25 March 1846.
270. KINGSTON NEWS, 30 March 1846.
271. The KINGSTON NEWS, 30 March 1846, reported that Gowan quoted Cameron's words as follows: "The hon. member here alluded to other measures introduced by 'the previous political botchers who were now anxious to tinker them up.'"
272. MONTREAL GAZETTE, 25 March 1846.
273. KINGSTON NEWS, 30 March 1846.
274. MONTREAL GAZETTE, 25 March 1846.
275. IBID.
276. IBID.
277. KINGSTON NEWS, 30 March 1846.
278. MONTREAL GAZETTE, 25 March 1846.
279. KINGSTON NEWS, 30 March 1846.
280. MONTREAL GAZETTE, 25 March 1846.
281. IBID.
282. KINGSTON NEWS, 30 March 1846.
283. MONTREAL GAZETTE, 25 March 1846.
284. IBID.
285. IBID.
286. IBID.
287. KINGSTON NEWS, 30 March 1846.
288. MONTREAL GAZETTE, 25 March 1846.
289. KINGSTON NEWS, 30 March 1846.
290. IBID.

291. MIRROR, 23 March 1846.
292. KINGSTON NEWS, 30 March 1846.
293. MIRROR, 23 March 1846.
294. KINGSTON NEWS, 30 March 1846.
295. MIRROR, 23 March 1846.
296. KINGSTON NEWS, 30 March 1846.
297. MONTREAL GAZETTE, 25 March 1846.
298. KINGSTON NEWS, 30 March 1846.
299. MONTREAL GAZETTE, 25 March 1846.
300. MIRROR, 23 March 1846.
301. MONTREAL GAZETTE, 25 March 1846.
302. MIRROR, 23 March 1846. According to KINGSTON NEWS, 30 March 1846, Robinson spoke "in a low tone".
303. LA MINERVE, 30 March 1846, noted that Chauveau spoke "avec son éloquence ordinaire"; the PILOT, 24 March 1846,observed that he made "a most effective speech"; while L'AURORE, 27 March 1846, commented: "Mr. Chauveau, meilleur orateur de beacoup, que Mr. Cauchon, mérite cependant les mêmes reproches."
304. MIRROR, 23 March 1846.
305. LA MINERVE, 30 March 1846.
306. IBID.
307. IBID.
308. L'AURORE, 1 April 1846.
309. LA MINERVE, 30 March 1846.
310. IBID.
311. IBID.
312. LA MINERVE, 30 March 1846, commented that Viger stood up "avec beaucoup de vivacité".
313. L'AURORE, 1 April 1846. Although LA MINERVE, 30 March 1846, reported that "Ici l'hon. Président du Conseil raconta l'histoire de son emprisonnement, &c.," L'AURORE, 27 March 1846, specifically stated "Mr. Viger n'en a pas parlé."
314. LA MINERVE, 30 March 1846.
315. IBID.
316. IBID.
317. MONTREAL GAZETTE, 25 March 1846, which reported that Chauveau's speech was "made up of individual attacks upon the Administration, from the President of the Council downwards, and a running commentary on the Election Address of the Hon. Solicitor-General for Canada East; which latter proceeding most particularly raised the ire of the loquacious Member for Carleton."
318. The PILOT, 27 March 1846, described Macdonell's speech as "rambling".
319. MIRROR, 23 March 1846.
320. PILOT, 24 March 1846.
321. MIRROR, 23 March 1846. The PILOT, 24 March 1846, accused Macdonell of misrepresenting Hincks: "Mr. Hincks has on all occasions, both in public and private, vindicated the assessment bill, which he introduced in 1843."
322. MIRROR, 23 March 1846.

323. PILOT, 24 March 1846.
324. MIRROR, 23 March 1846.
325. PILOT, 24 March 1846.
326. KINGSTON NEWS, 30 March 1846.
327. MONTREAL GAZETTE, 25 March 1846, described Nelson's speech as one that his "friends must regard as an untoward event." According to LA MINERVE, 30 March 1846, "ce discours ... fut applaudi à plusieurs reprises."
328. LA MINERVE, 30 March 1846.
329. IBID.
330. LA MINERVE, 30 March 1846: "M. Nelson ... dit avec feu..."
331. IBID.
332. IBID.
333. IBID.
334. MIRROR, 23 March 1846.
335. KINGSTON NEWS, 30 March 1846.
336. MONTREAL GAZETTE, 25 March 1846.
337. KINGSTON NEWS, 30 March 1846.
338. MIRROR, 23 March 1846.
339. KINGSTON NEWS, 30 March 1846.
340. MIRROR, 23 March 1846.
341. IBID.
342. IBID.
343. IBID.
344. IBID.
345. IBID.
346. IBID.
347. IBID.
348. IBID.
349. KINGSTON NEWS, 30 March 1846.
350. MIRROR, 23 March 1846.
351. KINGSTON NEWS, 30 March 1846.
352. IBID.
353. IBID.
354. IBID.
355. MONTREAL GAZETTE, 25 March 1846.
356. KINGSTON NEWS, 30 March 1846.
357. MONTREAL GAZETTE, 25 March 1846.
358. KINGSTON NEWS, 30 March 1846.
359. MONTREAL GAZETTE, 25 March 1846.
360. KINGSTON NEWS, 30 March 1846.
361. MONTREAL GAZETTE, 25 March 1846.
362. KINGSTON NEWS, 30 March 1846.
363. MONTREAL GAZETTE, 25 March 1846.
364. MIRROR, 23 March 1846.
365. PILOT, 24 March 1846: "Mr. Price spoke at considerable length and with his usual ability." LA MINERVE, 26 March 1846: "M. Prince fit ensuite un excellent discours, pendant lequel il fut applaudi à plusieurs reprises...."
366. KINGSTON NEWS, 30 March 1846.
367. MIRROR, 23 March 1846.

368. IBID.
369. IBID.
370. IBID.
371. "Upon the division on the original motion, it was carried; the numbers standing as before, Mr. Aylwin having gone out, and Mr. Lemoine come in." MONTREAL GAZETTE, 25 March 1846.
372. CHATHAM GLEANER, 6 April 1846.
373. KINGSTON NEWS, 30 March 1846, noted: "The House adjourned at half-past eleven."

(8)

House attend His Excellency the Administrator with the Address in answer to Speech.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency, the Administrator of the Government, with the Address of the House,

And being returned.

Members attend in their places, according to order.

According to order, Etienne Paschal Taché, Esquire, Member for the County of L'Islet; François Desaunier, Esquire, Member for the County of St. Maurice; and Jean Chabot, Esquire, Member for the City of Quebec, who were absent on the twenty-first instant, from the Select Committees, appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parliament; and of the Petition of James Durand, Esquire, the Sitting Member for the West Riding of the County of Halton; severally attended in their places in this House.

Mr. Taché.

Mr. Taché rose in his place, and having given satisfactory reasons for not being present at the meeting of the Select Committee, for the trial of the Middlesex contested Election, on the twenty-first instant, and having verified the same upon oath,

On motion of Mr. Williams, seconded by Mr. Petrie,

Excused.

Resolved, That Mr. Taché having given satisfactory reasons for not being present at the meeting of the Select Committee, for the trial of the Middlesex contested Election, on the twenty-first instant, and having verified the same upon oath, be now excused for such non-attendance.

Mr. Desaunier.

Mr. Desaunier rose in his place, and having given satisfactory reasons for not being present at the meeting of the Select Committee for the trial of the Middlesex contested Election on the twenty-first instant, and having verified the same upon oath,

On motion of Mr. Williams, seconded by Mr. Petrie,

Excused.

Resolved, That Mr. Desaunier having given satisfactory reasons for not being present at the meeting of the Select Committee, for the trial of the Middlesex contested Election, on the twenty-first instant, and having verified the same upon oath, be now excused for such non-attendance.

Mr. Chabot.

Mr. Chabot rose in his place, and having given satisfactory reasons for not being present at the meeting of the Select Committee, for the trial of the contested Election for the West Riding of the County of Halton, on the twenty-first instant, and having verified the same upon oath,

On motion of Mr. Williams, seconded by Mr. Petrie,

Excused.

Resolved, That Mr. Chabot having given satisfactory reasons for not being present at the meeting of the Select Committee, for the trial of the contested Election for the West Riding of the County of Halton, on the twenty-first instant, and having verified the same upon oath, be now excused for such non-attendance.

(9)

Members called and do not appear.

Mr. Dickson, Member for Niagara; Mr. Lacoste, Member for the County of Chambly; and Mr. Bertrand, Member for the County of Rimouski; having been severally called, according to order, did not appear.

Mr. Speaker reports attendance of the House on His Excellency the Administrator, with the Address in answer to Speech.

Mr. Speaker then reported that the House had, this day attended upon His Excellency the Administrator of the Government, with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament; to which His Excellency was pleased to make the following answer:--

His Excellency's Answer.

Gentlemen of the Legislative Assembly,

I cordially thank you for this Address, and for the evidence it affords, of your earnest desire to co-operate with me in every measure that may be calculated to promote the best interests of Canada.

I highly appreciate your congratulations upon the distinguished mark of Her Majesty's favour, which the Queen has been graciously pleased to confer upon me.

Report, State of the Library.

Mr. Speaker communicated to the House a Report[i], received from the Librarian, of the present state of the Library of the House, pursuant to a Standing Order of the 19th June, 1841.

The said Report is as followeth:--

LIBRARY, LEGISLATIVE ASSEMBLY,
20th March, 1846.

The Librarian has the honour to report, for the information of your Honourable House, that, during the past recess, the extensive and valuable selection of books recommended to be procured by the Library Committee of the last Session, (Vide Journals 1844-5, pages 203 and 4, 378 to 380) have, with few exceptions, been duly received. This collection embraces continuations for the past two years, of all the periodical works previously in the Library, together with many new and important publications in the various branches of French and

English literature, which, it is hoped, will materially enhance the usefulness of the Library for general reference, and meet the approbation of your Honourable House.

In the class of French literature, a considerable addition has been made, and the necessity for this will be apparent, on considering that in this important branch no purchases have been made since the Union of the Provinces in 1841, which had left a vacuum, particularly in Law and History, it became highly desirable to fill up, in order to place the Library, in point of utility, on a par with those of other Legislative Institutions on this Continent.

Agreeably to the order of your Honourable House of the 27th March, 1845, measures have been taken to facilitate to Members, access to the Library, by the construction of a staircase thereto from the inner lobby of the House, thereby removing much of the inconvenience hitherto occasioned by its unavoidable location in a part of the building so distant from the Legislative Chamber.

The numberous additions that have been made to the Library since the year 1842, when the last catalogue was printed, have rendered it advisable to prepare a new one, which has accordingly been done, and copies thereof will be distributed to Honourable Members without delay. In the compilation of the new catalogue, the same plan has been pursued which was adopted on the previous occasion, viz., by classification according to the subject matter of the works, with an index of authors' names appended at the end; but much care has been bestowed on its preparation. The classification and general arrangement has been rendered more complete, and every effort made to render it, as much as possible, an improvement upon its predeccessor. It also contains, in addition to the works procured since 1842, a catalogue of the valuable class of books relating to the history of America, which at the period above-mentioned were at Quebec, and have since been brought up and incorporated with the rest of the collection.

Various additions have been made to this collection since last Session; a list of which, as they were not included among the books ordered by the Library Committee of last Session, is appended to this Report.

List of works relating to the History of America, added to the Library since last Session--

Anspach's Newfoundland; 8vo. London, 1827.
Burgoyne's Campaign; 12mo. Albany, 1844.
Bibliotheca Americana; 4to. London, 1789.
Bollan's Importance of Cape Breton; 8vo. London, 1746.
Burnsby's Travels in North America; 4to. London, 1798.
Burton's English Empire in America; 12mo. London, 1685.
Bollan on the Right to the American Fishery; 4to. London, 1764.
Bradford's American Antiquities; 8vo. New York, 1841.
Calvert's Novae Novi Orbis Historiae; 8vo. Genevae, 1581.
Chevalier's History of the United States; 8vo. Boston, 1839.
Carrol's Journal of a Visit to Canada in 1776; 8vo. Baltimore, 1845.
Charlevoix's Voyage to America; 2 vols. London, 1761.
Catlin's American Indians; 2 vols. London, 1841.

Dolrizhoffer's History of the Abipones; 3 Volumes, 8 vo. London, 1822.
Dehaet, Notae et Responsis. Amsterdam, 1643.
Drake's Book of the Indians. Boston, 1841.
Denton's History of New York; 1845.
Force's Collections of American Historical Tracts; 3 Volumes. Washington, 1843.
First Voyage of Columbus. Boston, 1827.
Farmer and Moore's Historical and Literary Journal; 3 Volumes.
Farnham's Travels in California. New York, 1844.
Greenhow's Memoir on North America, and Report on National Defences of the Sea Coasts of the United States.
Halkett's Historical Notes on the Indians. London, 1825.
Hollingworth's Nova Scotia. London, 1787.
Hinton's History of the United States; 2 Volumes. London, 1830-32.
Histoire de la Guerre, Poulin de Luminan. Géneve, 1757.
Lahontan's Voyage to America; 2 Volumes, 12mo. London, 1703.
L'Encyclopédie Canadienne, par Bibaud; 8vo. Montreal, 1842-43.
Mémoires des Commissaires du Roy sur les Possessions des deux Couronnes en Amérique; 4 Volumes, 4to. Paris, 1755.
Moorsom's Letters on Nova Scotia. London, 1830.
Miller's Description of New York in 1693. London, 1843.
New York Historical Collections; 4 Volumes.
Prince and Dawson's Sermons on Reduction of Louisbourg and Quebec. London, 1760.
Popple's American Atlas, on 20 sheets folio.
Prior Documents relating to the dispute with America, 1777.

(10)

Pictorial History of the American Revolution.
Picturesque Tourist through the N. and E. States to Canada, 12mo. N.Y. 1844.
Proceedings of the New York Hist. Society, 8vo. 1845.
Reeve's History of Newfoundland. London, 1795.
Rélations des Jésuites pour les années 1650-51, and 1670-71. Paris.
Relation des Quatres Voyages de Colomb, par Navarette, 3 vols. Paris, 1828.
Relation du Bombardement de Québec, with an English Version. Plymouth.
Smith's Narrative of Major Andre. London, 1808.
Sagard--Le Grand Voyage du Pays des Hurons, 12mo. Paris, 1632.
Simcoe's Military Journal. N.Y. 1844.
Stone's Life of Brandt, 2 vols. 1838.
Stephen's Incidents of Travel in Yucatan, 2 vols. 1844.
Sparke's American Biography, ( ) 6 vols. 12mo.
Smith's Discovery of America, by the Northmen. London, 1839.
Transactions of the Ethnological Society.
Ten Years in Oregon; by Lee and Frost, 12mo. N.Y. 1844.
The War of the American Revolution.
Voyage de Hennepin, Edition de 1698. Utrecht.
Walker's Expedition to Canada in 1710. London, 1720.
Wynne's Account of the Colony of Newfoundland, 12mo. 1662.

Winthrop's Journal, 2 vols. Boston, 1825.
Wilke's Exploring Expeditions, 5 vols. 8vo.

The total number of Books now in the Library, exclusive of the American class, above referred to, is 8553, that class contains 960 volumes, making a total of 9513.

All which is respectfully submitted.

WILLIAM WINDER,
Librarian.

Also,

Accounts Trinity House Quebec.

Accounts of the Trinity House[2], Quebec, for the year ended the 31st December, 1845, received in conformity to the 20th Section of the Act 4 and 5 Victoria, Cap. 15.

(For the said Accounts, see Appendix E.)

Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Chauveau,--The Petitions of Captain Joseph Bedard and others, of the County of Quebec; the Petition of the Reverend P. Roy and others, of the County of Quebec; the Petition of J. B. Trudel, Esquire, and others, of the County of Quebec; the Petition of Jacques Légaré, Esquire, Mayor, of the Councillors and others, of the Municipality of the Parish of Ste. Foye, in the District of Quebec; and the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish L'Ancienne Lorette.

By Mr. Meyers,--The Petition of the Municipal Council of the District of Victoria (relating to the Municipal Council Act); the Petition of the Municipal Council of the District of Victoria (relating to a macadamized road); and the Petition of the Municipal Council of the District of Victoria (relating to a Railroad Company).

By Mr. Petrie,--The Petition of George Roe and others, of the County of Russell.

By Mr. Price,--The Petition of the District Council of the Home District; the Petition of John Grubb and others, inhabitants of the Township of York and of the Gore of Toronto; and the Petition of the Reverend W. Adam and others, Unitarian Christians of the City of Toronto.

By Mr. LeMoine,--The Petition of A. Sauvageau and others, of the County of Huntingdon.

By the Honourable Mr. Attorney General Smith,--The Petition of William Workman and others, of the District of Montreal.

By Mr. Macdonell of Dundas,--The Petition of Wishe Tegarehontie and others, Chiefs and Warriors, Iroquois, Algonquins and Nipissings, of St. Regis and other places.

By Mr. Jessup,--The Petition of the Reverend Robert Blakey and others, members of the United Church of England and Ireland, in the Township of Augusta, in the County of Grenville, in the Diocese of Toronto.

By Mr. Laurin,-- The Petition of Jean Baptiste Miville Dechène, of St. Henry; the Petition of Julien Demers, Esquire, and others of the Parishes of Ste. Croix and St. Flavien in the County of Lotbinière; the Petition of the Reverend J.B. Potvin and others, of the County of Lotbinière; the Petition of the Reverend Louis Proulx and others, of St. Sauveur de Tilly, and other Parishes in the County of Lotbinière; and the Petition of the Reverend P. Patry and others, of the Parish of St. Giles, in the County of Lotbinière.

By Mr. Boulton,-- The Petition of the Mayor, Alderman and Commonalty of the City of Toronto.

By Mr. Gowan,--The Petition of the Municipal Council of the District of Johnstown.

By. Mr. Taché,--The Petition of the Honourable Antoine G. Couillard and others, of the County of L'Islet.

By Mr. Bouthillier,--The Petition of G. Marchand and others, of the District of Montreal.

By Mr. De Witt,--The Petition of M.F. Valois and others, Inhabitants and Proprietors of Lachine and other Parishes.

By. Mr. Méthot,--The Petition of L.M. Cressé and others, of the Parish of St. Jean Baptiste de Nicolet.

By Mr. Brooks,--The Petition of Thomas Steel and others, of the Counties of Sherbrooke and Drummond; the Petition of John Moore, Esquire, [illegible], and other Townships; the Petition of the Municipal Council of the Municipality of Ascot, and the Petition of H.N. Hill and others, inhabitants of Eaton in the County of Sherbrooke.

By Mr. Watts,-- The Petition of Lieutenant Colonel P.J. Héroux and others, landholders of the Township of Warwick; the Petition of the Reverend Clovis Gagnon and others, of the Township of Stanfold and places adjoining.

By Mr. Solicitor General Taschereau,--The Petition of Charles Robertson, Esquire, and others, Inhabitants of Pointe Levi, in the District of [illegible]; and the Petition of Louis Joseph Lavernier, and others, Inhabitants of the Parish of St. Bernard, in the County of Dorchester.

By Mr. Chabot,--The Petition of the Directresses and Managers of the Charitable Association of the Roman Catholic Ladies of Quebec; the Petition of Augustin Gauthier, junior, of Quebec, Inspector of Anatomy; the Petition of the Society of Education of the District of Quebec; the Petition of Roderick M'Gillis, and others, licensed Cullers of Quebec, [illegible] Mutual Relief Society); the Petition of Roderick M'Gillis and others, Cullers and Inspectors of Timber, (relating to the Quebec Cullers Benevolent Society); and the Petition of Messieurs Burroughs and Huot, Prothonotary of the Court of Queen's Bench for the District of Quebec.

By Mr. Macdonald of Kingston,--The Petition of J. Ferrier, Esquire, and others, Inhabitants of the Province of Canada; and the Petition of Henry Gildersleeve and others.

By Mr. Smith of Frontenac,--The Petition of the Venerable George O'Kill Stuart, L.L.D., and other members of the United Church of England and Ireland, in the Parish of St. George, Kingston, in the

(11)

Diocese of Toronto.

By the Honourable Mr. Aylwin,--the Petition of Thomas Ainslie Young, Esquire, of the City of Quebec; and the Petition of the Quebec Board of Trade, (relating to a Custom House.)

County of West Halton Election.

Mr. Williams, Chairman of the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, reported that the Committee met this morning at ten o'clock, pursuant to adjournment; but, in consequence of the absence of Mr. Lacoste, a Member of the Committee, they were unable to proceed to business.

County of Middlesex Election.

Mr. Williams, from the Select Committee appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament, reported that the Committee met this day, pursuant to adjournment; but could not proceed to business, in consequence of the absence of their Chairman Mr. Dickson, and of Mr. Lacoste.

County of Oxford Election.

Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the county of Oxford, reported that the Committee met this morning at ten o'clock, pursuant to adjournment; but, in consequence of the absence of Mr. Dickson, Mr. Lacoste, and Mr. Bertrand, Members of the Committee, they were unable to proceed to business.

Members to attend in their places.

Ordered, That Mr. Dickson, Member for the Town of Niagara; Mr. Lacoste, Member for the County of Chambly, and Mr. Bertrand, Member for the County of Rimouski, do severally attend in in their places in this House at the next Sitting thereof.[3]

In consequence of the absence of Messrs. Dickson, Bertrand, and Lacoste from the Committee to try the merits of the contested election of Oxford[4], MR. SMITH, of Frontenac, rose to propose a resolution similar, he said, to, one introduced by him during the session of 1842. On that occasion, a committee appointed to try the election of the 2nd Riding of the County of York had been reduced to a number below nine, and the commission having met three successive times with its number reduced, he (Mr. S.) moved for its dissolution agreeably to the 22nd section of the Grenville Act. The hon. member went on to speak of the great inconvenience and labour of attending committees, and of the necessity of protecting members from all unnecessary trouble of that kind; he also quoted from the English Grenville Act to shew that it bore out his view of the meaning of the clause of the Colonial Act to which he had referred[5].

(11)

County of Oxford Election.

Mr. Smith of Frontenac, moved, seconded by Mr. Macdonell of Dundas, that the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, having been unavoidably reduced to less than nine Members, and having so continued for the space of three Sitting days, is dissolved.[6]

MR. AYLWIN wished to know if it were a fact that members were unavoidably absent, and if so how the fact became known; he would put that question to the Speaker, and if that officer answered in the affirmative, then he (Mr. A.) would vote for the resolution.[7]

MR. BALDWIN regarded the question put by the hon. friend as most correct; if it were not positively known that the members absent were "unavoidably" so, why discharge them? the act plainly contemplates that the committee should be dissolved when reduced to below 9 members having been relieved by an order of the House; the language of the act "death or otherwise" shewed the class of causes of absence upon which the House could act when the causes were clearly pointed out. It was clear that the House could not discharge members without any cause whatever being established; and certainly members could not cease to be of the committee until relieved by an express order of the House; he Mr. Baldwin maintained that it was evident from the words "death or otherwise" that it could not have been intended that temporary causes would disqualify members; if mere absence were to be sufficient it would, he thought, be so expressed ((that)) the learned Attorney General for Upper Canada and other legal gentleman (sic) on that side of the House would understand the rule by which other words in a sentence of an act took their meaning from the leading and intelligible word. He Mr. Baldwin could sympathise with the learned member for Frontenac and others in their unnecessary attendance but he also had sympathy for those who had gone to a large expense in prosecuting the enquiry, for the petitioner in the case and for the constituency who were to be effected by the decision. Here the hon. member referred to the precedent adduced by Mr. Smith, and showed how utterly inapplicable it was; in that case the Committee was reduced below the legal number by 3 members having been expressly relieved by the House, - one was excused and the others had vacated their seats by taking office and were, therefore, legally dead. He (Mr. B.) would warn the House of the effect of such a precedent as the adoption of the resolution in question; hereafter parties might absent themselves from mere wilfullness in order to destroy the proceedings of any election Committee[8].

Certainly from MR. SHERWOOD[9].

Well then, resumed MR. BALDWIN, if that be the case you are putting a construction upon the act which was never intended, you are denying justice to parties in the position of the petitioner, and it would be

more manly of you to use your majority at once to turn us all out by your mere vote; the petitioner and others interested in the present case have been collecting evidence at great expense, and to get rid of the matter in this way was, he would again say, a palpable denial of justice.[10]

MR. SOL. GEN. SHERWOOD had not intended to say a word on this question but after the feeling manifested by the hon. and learned member for the 4th. Riding who had accused those on his side of the House of unfairness he felt it impossible to keep silence. Such remarks would have come better from the hon. member for Quebec who had cried out "let us retire." Let the hon. member retire - who would he find to follow him. He Mr. Sherwood desired nothing but justice. What injury would it do either the petitioner or the sitting member to have a new Committee struck before which the same evidence would be brought. It had been said that the act only contemplated absence by death or disqualification but how could this be reconciled with the words in the clause "when those who are able to attend are reduced below nine." (Hear, hear.) The object of the Legislature was to require all to be present, and to guard against obstruction. Were Committees to sit day after day waiting on absent members? Certainly not. The precedent quoted by his hon. friend from Frontenac was certainly not one similar to the present case, but he (Mr. S.) felt convinced that the same course must be taken. Although he had referred to the feeling manifested by the hon. and learned member for North York, still he (Mr. S.) had no doubt that the hon. member had given his conscientious opinion. Still he could not agree with it. He hoped a Committee would be struck and its report given in before the return of the absent members.[11]

MR. ROBLIN said it might appear presumptuous in him to give an opinion on the present question which appeared to be one of mere law, and which ought therefore, perhaps, to be left to legal gentlemen; but, when he saw lawyers depart from their proper course, and instead of confining themselves to the law of the question saying "if this committee be dissolved you will get another as good. &c.," he thought that perhaps it would be tolerated in him to go a little out of his way and say a few words on law; he thought, then, that the law did not disqualify members of an election committee until it was proven that they were "unavoidably" absent; how is it known that the committee is unavoidably reduced to 9? - as well might it be said that because several members of this House are absent, the House does not consist of the number of 84; as long as members were able to attend they were members, and where was the proof that Messrs. Dickson, Bertrand, and Lacoste were not able to attend, were as the law expresses it "unavoidably" absent, - he (Mr. Roblin) did not pretend to a knowledge of law, but thought he possessed some common sense, and by exercising it, persons learned and unlearned could perceive, that a Committee should exist so long as its members were members, that is, so long as they were not disqualified by law. In this case there was no disqualification by law, the absent members have not been discharged, they may be, even now,

in the District, and may be in attendance to-morrow.[12]

MR. AYLWIN said he hoped that the members on the other side who were lawyers would be edified by the reasoning of the hon. member for Prince Edward, who was not a lawyer. He (Mr. Aylwin) would, in addition to what had been so well said by that gentleman, ask what reason had the party opposite to complain in this case, what had they suffered by waiting the arrival of members. The member petitioned against kept his seat, the Government had his vote; he Mr. Aylwin should like to see the opinion given upon this question by the learned Solicitor General, West, published in all the papers of the Province, he (Mr. A.) would hold him to that opinion, and would like to see it submitted to Her Majesty's law officers in England, that they might judge from it how Her Majesty was served in this country. As to the law in this case he would not condescend to argue it. The hon. member for Frontenac had read from an English book in support of his view of the law, but did he think it was before ignorant Commissioners of a country Court he was speaking, or did he know that he was arguing before the people of Canada, in their Legislative Assembly. When such proceedings were countenanced, he (Mr. A.) thought of how our neighbors across the lines would regard us, they would blush for us, and if they blushed, what would be the feeling in England. The hon. member concluded by again strongly protesting against the legal opinions that had been enunciated on the other side.[13]

COL. PRINCE urged in support of the resolution the inconveniences to which members were put by the non attendance of the members of the committee. He was sorry that the hon. member for Quebec had attacked Upper Canada lawyers.[14]

MR. AYLWIN explained that his remarks were confined to Messrs. Sherwood and Smith.[15]

He (COL. PRINCE) took the same view of the law as the Hon. Solicitor General, and would have thought it more creditable in the learned member for Quebec to have opposed him with argument than with mere declamation.[16]

MR. CHAUVEAU spoke in French against the resolution, and dwelt on the word "unavoidable" as conveying clearly the meaning that without some evidence members could not be relieved from their duty.[17]

MR. WILLIAMS said he could not make up his mind to vote for the resolution- the words of the law were "unavoidably absent", and he believed they applied to physical inability; the Committee should meet until unavoidable absence was proven; he (Mr. Williams) would not vote for the resolution-he thought the course proposed by it would open the door to fraud.[18]

MR. AT. GEN. DRAPER next spoke, and having first admitted that Mr. Baldwin argued the point in question like a lawyer, and that the rule which he (Mr. B.) had laid down in reference to the interpretation of certain words in an act of Parliament, was correct, proceeded

to argue from the words of the Act "and shall so continue to meet for three successive days," that it must have been intended that the clause should apply to other causes than that of death; why should the Committee continue to meet in case of death? that was a cause which would extend not only to three days, but to all days-it was then, he thought, clear that other causes were contemplated.[19]

MR. LAFONTAINE said that the word "unavoidable" applied to the fact causing the absence. Where was the proof of the fact of unavoidable absence in this instance; there was no proof, and if the absent members were discharged it might be unjust; they (the members) might come before the House to-morrow and be themselves the witnesses that they had not been unavoidably absent.[20]

MR. CHRISTIE said he would not vote for the resolution; he "could not consent to discharge the Committee until he was conscientiously satisfied that the members referred to were unavoidably absent."[21]

MR. HALL said he could not make up his mind to vote for the resolution at present, and if he were obliged to vote then it would be against the resolution; he would move that the question be postponed till Thursday next.[22]

MR. DUGGAN seconded the motion.[23]

(11)

On motion of Mr. Hall, seconded by Mr. Duggan,

Ordered, That the further consideration of the said motion be postponed until Thursday next.[24]

County of West Halton Election. — *Ordered, That the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, have leave to adjourn until Monday next at ten o'clock, A.M., in consequence of the Commission issued thereon not having been returned.*

Message from His Excellency the Administrator. — *The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Administrator of the Government, signed by His Excellency.*

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

CATHCART.

The Administrator of the Government transmits, for the information of the Legislative Assembly, Copies of the Despatches from the Secretary of State enumerated in the annexed Schedule, conveying the gracious Answers which the Queen has been pleased to direct to be returned to the several Addresses to Her Majesty adopted during the last Session.

GOVERNMENT HOUSE,
24th March, 1846.

Despatches. SCHEDULE of the Despatches accompanying Message of 24th March, 1846.

NO.	DATE.	SUBJECT
	1845.	
365	3d April	In reply to Address of Assembly respecting Duties on Colonial built Shipping.
[illegible]	[illegible] June	In reply to Address of Assembly on behalf of Alexander M'Leod.
[illegible]	[illegible] June	In reply to joint Address on behalf of Mr. Crooks.
[illegible]	[illegible] July	In reply to Address of Assembly, praying for a reduction of Duty on Canadian Tobacco.
	1846.	
11	[illegible]	In reply to joint Address on the subject of the regulation of Colonial Trade and Navigation, and the extension of the privileges of Naturalization when conferred by Provincial enactment.
20	[illegible]	In reply to joint Address respecting the use of the French language in Legislative Records.

(Copy.) No. 365

DOWNING STREET,
3rd April, 1845.

MY LORD,

I have laid before the Queen the Address to Her Majesty, from the Legislative Assembly of Canada, enclosed in your Despatch of the 3rd of February last, No. 213, and deprecating the imposition of Duties, by any Parliamentary enactment, upon Shipping built within her Majesty's Colonial Dominions.

I have received Her Majesty's Commands to instruct your Lordship to assure the House of Assembly, that no such measures as those referred to in the Address, have ever been contemplated by Her Majesty's Government.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G.C.B.,
&c. &c. &c.

(Copy.) No. 393.

DOWNING STREET,
20th June, 1845.

MY LORD,

I have to acknowledge the receipt of your Lordship's Despatch of the 7th April, in which you enclose an Address to the Queen from the Legislative Assembly of Canada, and a Report from a Committee of that House, bringing under the consideration of Her Majesty the losses sustained by Alexander M'Leod,[25] in consequence of his imprisonment in the United States, on the charge of having assisted in the destruction of the Caroline.

I have laid this Address before the Queen, and have received Her Majesty's Commands to instruct your Lordship to acquaint the House of Assembly, that Her Majesty cannot acknowledge that Alexander M'Leod has a valid title to be indemnified at the expense of Her Majesty's Treasury for the losses which he may have incurred by the proceedings

(12)

instituted against him by the authorities of the United States of America, in the year 1840. Her Majesty omitted no practicable effort to obtain for Alexander M'Leod redress from the Government, and from the legal Tribunals of the United States, and must decline to admit any further responsibility on his account.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G.C.B.,
&c. &c. &c.

(Copy.) No. 396.

DOWNING STREET,
26th June, 1845.

MY LORD,

I have received and laid before the Queen the joint Address to Her Majesty from the Legislative Council and the Legislative Assembly of Canada, which accompanied your Despatch, No. 247, of the 8th April, praying that Her Majesty would cause measures to be adopted for procuring indemnification from the Government of the United States for Mr. Crooks, whose vessel, the Lord Nelson, was captured by an American Cruiser previously to the Declaration of War in 1812; and further praying that, if indemnification be withheld, Her Majesty would cause such other proceedings to be adopted as would have the effect of obtaining redress for Mr. Crooks.

Her Majesty has commanded me to instruct Your Lordship to acquaint the Houses of Legislature, that the conclusive opinions which have, at different times, been pronounced by the Legal Advisers of the Crown

upon Mr. Crooks' application for redress, preclude Her Majesty's Government from remonstrating with the Government of the United States upon this subject with any prospect of success, and that Her Majesty, not having any means at Her disposal of affording Mr. Crooks indemnification for his loss, is unable to comply with the application preferred on his behalf by the two Houses of Legislature in Canada for relief in some other shape.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G.C.B.,
&c. &c. &c.

(Copy.) No. 404.

DOWNING STREET,
30th July, 1845.

MY LORD,

I have received and laid before the Queen, Your Lordship's Despatch, No. 249, of the 10th of April, enclosing a Petition from the Legislative Assembly of Canada, praying for a reduction in the Duty upon Tobacco grown in that Province, when imported into Great Britain.

I have to inform Your Lordship, in answer, that Her Majesty has been pleased to receive this Petition very graciously. But as the principle of equalizing the Duties on Foreign and Colonial Tobacco has been so recently decided upon in Parliament, I have not felt myself at liberty to bring that subject again under the consideration of the Legislature.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
The Lord METCALFE, G.C.B.,
&c. &c. &c.

(Copy.) No. 17.

DOWNING STREET,
3rd February, 1846.

MY LORD,

On the 18th September last, my Predecessor in this Office, in his confidential Despatch of that date, No. , promised that the views of Her Majesty's Government on the subjects embraced in the joint Address of the two Houses of the Canadian Legislature, of the of , should be signified to Lord Metcalfe, as soon as might be possible after the meeting of the Cabinet in November last.

Circumstances, to which it is needless to refer to more particularly, having prevented the fulfillment of that intention by Lord Stanley him-

self, it now devolves on me to carry it into execution.

I have laid before the Queen the joint Address of the two Houses, and have had the honour to submit to Her Majesty the views of Her Majesty's confidential Advisers as to the proper course to be taken in reference to each of the topics embraced in that Address.

The Queen having been pleased to approve and sanction the advice thus tendered to Her Majesty, has commanded me to explain those views to Your Lordship, for the information of the Legislative Council and Assembly, to whom Your Lordship will therefore communicate a Copy of this Despatch, as explanatory of the conclusions which Her Majesty has been pleased to adopt and sanction.

I have also to instruct Your Lordship to acquaint the two Houses of Provincial Legislature, that their Petitions, to either House of Parliament, were presented during the last Session: to the House of Lords by Lord Stanley, and to the House of Commons by Mr. Hope.

An important question was brought, in the above Address, under the notice of my predecessor, with respect to the imposition of differential Duties upon Goods brought into Canada, otherwise than by sea. The purpose of such Duties would avowedly be, to offer a premium upon traffic by way of the St. Lawrence, as compared with traffic by way of New York, and other parts of the United States.

In respect to any proposal having this object, Her Majesty's Government have to consider, in the first place, whether they shall adopt such a policy, make it their own, and introduce measures into the Imperial Parliament for the purpose of giving effect to it; in the second, whether, if they are not inclined to such a course, they shall still leave it open to the Provincial Legislature to deal with the question as one of internal, rather than of Imperial concern.

Upon the first of these points I have to acquaint you that Her Majesty's Government do not intend to propose to Parliament any measure for the imposition of new differential Duties upon Goods brought into Canada by land carriage and Inland Navigation. Their opinion is that both the St. Lawrence and the route of the United States have their own commercial advantages. The Imperial Statutes already throw an additional weight, which I hold to be not inconsiderable, into the scale of the former route, and I do not think it would either be advisable in the particular case, or befit the commercial policy of the British Legislature, that it should undertake further to effect the competition between them.

As a consequence of what I have already stated, you will readily infer, that I cannot authorize your Lordship to recommend the introduction of any measure of the kind, with the authority which you possess as the Representative of Her Majesty.

But on the other hand I must give a different reply to the question, whether you are to intimate disapproval of such a measure if you should find it to be unequivocally demanded by the general sentiment of the community, and should be presented to you for Legislative sanction.

(13)

You are aware that it is a rule of Imperial policy generally to reserve to Parliament the consideration of any question of differential or protective Duty which may arise in the Colonies. Not refusing to make due allowance for subsisting irregularities of practice in this respect, I am desirous in prospective Legislation, to adhere to this maxim. But I grant that it is more strictly applicable to maritime commerce than to the case of a Colony having direct and extended relations, along a frontier of many hundred miles, with a foreign country. Your Lordship is therefore authorized to view the question as one to be determined according to the convictions of the people of Canada, whatever they may be, when constitutionally brought before you in the form of a Legislative measure.

With regard, however, to the form of any such enactment, supposing it to be introduced into discussion, I would suggest what appears to Her Majesty's Government a decided improvement upon that which is employed in the Act of the last Session "for granting Provincial Duties of Customs." The lower rate of duty, when a distinction is made, should be extended to "Goods imported otherwise, than by Sea, from a British possession," as well as to Goods imported by Sea. The practical or commercial effect of the change might be trivial; but it would obviate an objection of general principle to an arrangement under which importation from a British Possession is, under given circumstances, made subject to a heavier burden than direct maritime importation from a foreign country.

But I have also to notice another portion of the Address of the Legislative Council and Assembly, transmitted by Lord Metcalfe with his Despatch of the 1845, which prays that the provisions of the English Navigation Law may be extended to the Inland Waters of North America.[26]

Her Majesty's Government are of opinion that the time has not yet arrived when they would be enabled to examine that question in a manner befitting its importance.

In the preceding part of this Despatch, I have had occasion to state the principles upon which Her Majesty's Government are prepared to act with respect to the imposition in Canada of inland, or even of avowedly differential Duties.

Your Lordship is aware that the general maxims on which such Duties are founded, do not command the assent of Her Majesty's Government. They must be justified, if justified at all, upon the ground of special circumstances. Among the special circumstances bearing upon their merits, in the case of Canada, the deliberate and well ascertained inclinations of the people must hold a prominent place. I conceive that the points suggested by my review of the Customs Act of last year; and the consideration of the call for countervailing Duties to meet the effect of the American Drawback Act, will put me much more fully in possession than I am at present, of the state of the public sentiment in Canada. Her Majesty's Government would indeed pay great regard under any circumstances, to an Address from both Houses of the Provincial Legislature. But it is manifest, I apprehend, that I cannot fully appreciate the views and intentions with which the Address now under discussion was framed, until I shall have before me the proceedings

of the approaching Provincial Session, and shall perceive from them, in what form, and to what degree, the Legislative Council and Assembly may be disposed to act in matters placed within their control upon the principles which the Address recommends to Parliament.

Another reason which has had its influence in producing this conclusion has been, that there appears to be a probability of change in the Navigation Law of the United States, and that it would be well to know, what as yet can only be surmised of the views and intentions entertained in that country with regard to it, especially as proceedings there might have a material effect upon general opinion in Canada.

And I must request Your Lordship carefully to avoid anticipating the advice which Her Majesty's Government might hereafter tender to the Crown upon the subject to which this Despatch refers, as it is their intention to reserve an unfettered discretion in regard to it.

Such being the views of Her Majesty's confidential Advisers on the subject of the extension to the Inland Waters of Canada, of the Navigation Acts, we have not been able to advise the Queen to return any specific answer at present to so much of the joint Address as relates to that subject. Your Lordship will therefore inform the Legislative Council and Assembly that for these reasons, that part of their Address is reserved for Her Majesty's further consideration.

I am commanded by the Queen to instruct Your Lordship to signify to the Legislative Council and Assembly, that having considered that part of their joint Address which refers to an extension of the privileges of naturalization, when conferred by Provincial enactment, Her Majesty has directed that the necessary steps be taken for giving effect to their wishes. Her Majesty's Government therefore propose to recommend to Parliament the enactment of a Law for this purpose.

I have, &c.

(Signed,) W. E. GLADSTONE.

Lieutenant General,
Earl CATHCART, K.C.B.,
&c. &c. &c.

(Copy.) No. 20.

DOWNING STREET,
3rd February, 1846.

MY LORD,

I have laid before the Queen the joint Address of the Legislative Council and Assembly of Canada, on the subject of the alteration of the Act for the Reunion of Canada, so far as respects the use of the French Language.

I have also laid before the Queen your Despatch of the 8th of March, 1845, No. 287, which transmits the above Address.

From regard to the wishes thus expressed by Her loyal subjects, Her Majesty is inclined to entertain the prayer of that Address, and authorizes you to make a communication accordingly to the Legislative Bodies at the opening of the Session.

Inasmuch, however, as it would not be practicable to obtain from Parliament, with convenience, the change which is required in the Act of Re-union so early as to take effect upon the proceedings of the coming Session in Canada, and as it is obviously far from desirable that reiterated applications should be made for the alteration of a Constitutional Statute of so much importance, Her Majesty's Government do not propose to take any step of that nature until I shall have become acquainted with the proceedings of the Provincial Legislature, and shall have learned whether they may give occasion for inserting in one and the same amending Bill, together with a Provision relating to the exclusive use of the English Language, another modification of

(14)

the provisions of the Act of Re-union which might possibly become necessary under the powers conveyed to Your Lordship in my Despatch of this date, relating to the Civil List.

I have, &c.

(Signed,) W. E. GLADSTONE.

Lieutenant General,
The Earl CATHCART, K.C.B.,
&c. &c. &c.

Message, &c. to be printed. — *Ordered, That two hundred and fifty copies of the said Message, and of the Documents accompanying the same, be printed in each of the English and French Languages for the use of the Members of this House.*

Limits of Bytown Bill. — *Ordered, That Mr. Stewart, of Bytown, have leave to bring in a Bill to define the limits of Bytown, and to establish a Town Council therein.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time and ordered to be read a second time, on Monday, the thirteenth of April next.

On motion of Mr. Chauveau, seconded by Mr. Chabot,

Quebec Turnpike Trust. — *Resolved, That an humble Address be presented to His Excellency the Administrator of the Government, praying he will cause to be laid before this House, copies of all Accounts, Reports, Statements, and Documents thereto relating, which may have been transmitted to the Head of the Government from and since the month of November, 1844, to the present day, by the Trustees of the Quebec Turnpike Trust, pursuant to the Ordinance and Statutes relating thereto.*

Ordered, That the said Address be presented to His Excellency the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. AT. GEN. DRAPER[27] moved the House into committee to amend the schedule of the District Court Bill of the last Session. The honourable gentleman stated that this Bill, although introduced by Mr. Solicitor General Sherwood, was drafted by himself, and came before this House during his (Mr. Draper's) absence in Upper Canada. Two alterations had been made in the Bill which destroyed its effect; the Judges were altogether prohibited from practising, and at the same time it was necessary to increase their fees; but while the Bill was in Committee certain fees were struck out of the schedule, which were those which principally contributed to the fee fund. He alluded to the fees for entering a judgment. The House had, in fact, lit his (Mr. D.'s) candle at both ends. To remove this difficulty, he moved the House into Committee to amend the schedule of the said Bill, by adding thereto-Fee for entering judgment, 5s.[28]

(14)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Attorney General Smith,

House in Committee on District Courts Act of U. C. — *Resolved, That this House do now resolve itself into a Committee of the whole House on the propriety of amending the Schedule to the Act passed last Session, intituled "An Act to amend, consolidate, and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada."*

The House accordingly resolved itself into the said Committee.

Mr. Boulton took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the chair;

And Mr. Boulton reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

Upon motion of MR. CAMERON,[29] it was resolved that the House stand adjourned until Thursday next.[30]

(14)

Ordered, That when this House doth adjourn, it will adjourn until Thursday next.

Then, on motion of Mr. Smith, of Frontenac, seconded by Mr. Boulton, The House adjourned.

APPENDIX, 24 MARCH 1846.

((NOTICE OF MOTION RE: RESERVED BILLS OF LAST SESSION.))

M. CHRISTIE a donné avis qu'il ferait motion pour une adresse à Son Excellence pour l'obtention de toute dépêche ou partie d'icelle qu'elle peut avoir reçue, relative aux bills passés durant la dernière session, et réservés pour la considération de Sa Majesté.[31]

((NOTICE OF MOTION RE: AGRICULTURE AND COMMERCE.))

M. GOWAN, ((a donné avis)) qu'il proposera prochainement de résoudre que la chambre se mette en comité général pour considérer s'il ne conviendrait pas de faire une adresse à Sa Majesté et aux deux chambres du parlement impérial, contenant une représentation convenable des intérêts agricoles et commerciaux de la colonie, et les moyens de les effectuer.[32]

((NOTICE OF MOTION RE: NOTARIZED DOCUMENTS.))

M. PROC. GEN. TASCHEREAU ((a donné avis)) qu'il présentera ... un bill pour faire disparaître tout doute sur la validité de certains documents passés devant notaires dans le Bas-Canada.[33]

((NOTICE OF QUESTION RE: REBELLION LOSSES.))

M. SCOTT, ((a donné avis)) qu'il demanderait aujourd'hui à l'administration si c'est son intention de proposer, pendant cette session, une mesure pour indemniser les habitants du Bas-Canada des pertes qu'ils ont faites durant la dernière rébellion.[34]

((WITHDRAWN NOTICE OF MOTION RE: SIR JAMES STUART.))[35]

M. AYLWIN a informé la chambre ... qu'il n'avait pas intention de mettre à effet l'avis qu'il avait donné précédemment par rapport à Sir James Stuart. La chose devenait parfaitement inutile; l'honorable juge-en-chef, se hâtant de partir le lendemain pour Québec[36].

((QUESTION AND ANSWER RE: REPEAL OF CORN LAWS.))[37]

MR. ROBINSON asked the Government whether it was their intention to do anything during the present session in reference to the effect upon this country of the late commercial changes in England.[38] ((He)) begged to ask ... if they were prepared to bring in a petition to be forwarded to the Imperial Parliament. He did not wish to take it out of the hands of the government, but he begged to remark, if anything was done, it ought to be arranged before the departure of the mail for England.[39]

MR. AT. GEN. DRAPER said that the subject had not escaped the attention of the Government, as might be judged from the opening speech; in two or three days, say about Thursday next[40], he would lay before the House a Despatch from the Colonial Secretary relative to the new commercial policy of England, in answer to a Despatch from the Province relative to the due protection of its interests.[41]

((QUESTION AND ANSWER RE: PAYMENT OF PETIT JURORS

MR. COLVILLE asked the members of the Government if it was their intention to introduce a bill to enforce payment to petit Jurors.[42]

The Attorney General ((MR. DRAPER)) replied in the negative.[43]

FOOTNOTES - 24 MARCH 1846.

1. Although the JOURNALS stated that this report was laid before the House on 24 March 1846, all the following papers date its presentation as 23 March 1846: BRITISH COLONIST, 7 April 1846; BROCKVILLE RECORDER, 2 April 1846; LA MINERVE, 26 March 1846; MIRROR, 24 March 1846; PILOT, 24 March 1846; and MONTREAL GAZETTE, 25 March 1846.
2. BRITISH COLONIST, 7 April 1846, reported this as taking place on 23 March 1846.
3. The debate on this matter was reported by: MONTREAL GAZETTE, 25 March 1846; and PILOT, 26 March 1846, and MIRROR, 24 March 1846, in identical accounts. Commentaries were given in: BRITISH COLONIST, 7 April 1846; PILOT, 26 March 1846; and LE JOURNAL DE QUEBEC, 31 March 1846.
4. MONTREAL GAZETTE, 25 March 1846.
5. MIRROR, 24 March 1846.
6. MONTREAL GAZETTE, 25 March 1846, commented that "Upon this motion a long debate ensued."
7. MIRROR, 24 March 1846.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID. The MIRROR reported that the motion passed without opposition. MONTREAL GAZETTE, 25 March 1846, gave as the reason for postponement "that more time might be given for the solution of a nice point of law."
25. A commentary on this matter is contained in BRITISH COLONIST, 7 April 1846.
26. BRITISH COLONIST, 7 April 1846.
27. The debate on this motion was reported by: MONTREAL GAZETTE, 25 March 1846, and BRITISH COLONIST, 7 April 1846, in identical accounts.
28. MONTREAL GAZETTE, 25 March 1846.
29. The debate on this motion was reported by: MONTREAL GAZETTE, 25 March 1846, and BRITISH COLONIST, 7 April 1846, in identical accounts.
30. MONTREAL GAZETTE, 25 March 1846.

31. LE JOURNAL DE QUEBEC, 31 March 1846.
32. IBID.
33. IBID.
34. IBID.
35. The debate on this matter was reported by: MONTREAL GAZETTE, 25 March 1846; and LE JOURNAL DE QUEBEC, 31 March 1846.
36. LE JOURNAL DE QUEBEC, 31 March 1846, which commented: "M. Aylwin avait parfaitement atteint son but qui était en effet de le faire déguerpir."
37. The debate on this matter was reported by: BROCKVILLE RECORDER, 2 April 1846, and KINGSTON NEWS, 2 April 1846, in identical accounts; and MIRROR, 24 March 1846, and PILOT, 26 March 1846, in identical accounts; and MONTREAL GAZETTE, 25 March 1846, and BRITISH COLONIST, 7 April 1846, in identical accounts.
38. MIRROR, 24 March 1846.
39. BROCKVILLE RECORDER, 2 April 1846.
40. MIRROR, 24 March 1846. The BROCKVILLE RECORDER, 2 April 1846, refers to Saturday, whereas the MIRROR and MONTREAL GAZETTE, 25 March 1846, both mention Thursday.
41. MONTREAL GAZETTE, 25 March 1846.
42. BROCKVILLE RECORDER, 2 April 1846.
43. IBID.

(14)

A Member takes his seat.

George Monro, Esquire, Member for the Third Riding of the County of York, having previously taken the oath according to law, and subscribed, before the Commissioners, the roll containing the same, took his seat in the House.[1]

County of Oxford Election.

Mr. Speaker acquainted the House, that he had received the Report of the Commissioners appointed to take evidence in the matter of the contested Election for the County of Oxford.

Champlain and St. Lawrence Railroad.

Mr. Speaker laid before the House, a Statement of the Affairs of the Champlain and St. Lawrence Railroad, as required by the 49th section of the Act 2nd Wm. IV., cap. 58, of the late Province of Lower Canada, for the year 1845.

The said Statement is as followeth:--

STATEMENT of the Cost of the Champlain and St. Lawrence Railroad and Appurtenances, and also the Receipts and Expenditure upon the same, together with the amount of Tonnage and Passengers transported by the Company for the Season or Year 1845, as required by the 49th section of the Act 2nd Wm. IV., cap. 58.

Period.	No. of Passengers.	No. of Tons Freight.	Total Receipts.	Total Expenditure.
For the Year 1845.	47,855	13,514	£20,100	£14,503 13 4

Total Cost of Railroad and Appurtenances to date, £52,961 10s. 1d.

W. D. LINDSAY,
Commissioner.

Railroad Office, Montreal,
10th March, 1846.

I, W. D. Lindsay, do make oath that the present Statement is just and true in every particular to the best of my knowledge and belief.

W. D. LINDSAY.

Sworn before me this 11th March, 1846.
[illegible]

Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Christie,--the Petition of T. Spruen of Montreal.

By Mr. Sherwood of Brockville,--the Petition of D. B. O. Ford and others, of the Town of Brockville, in the District of Johnstown.

By the Honourable Mr. Papineau,--the Petition of the Reverend Messire Ducharme and others, Members of the Corporation of the College of Ste. Thérèse de Blainville; and the Petition of John Morris, Esquire.

By Mr. Stewart of Bytown,--the Petition of Hamnett Pinhey, Esquire, Warden of the Municipal District of Dalhousie.

By Mr. Petrie,--the Petition of William Lough and others, inhabitants of the County of Russell.

By Mr. Cameron,--the Petition of John Lamb and others, inhabitants of the Township of Warwick; and the Petition of William Dixon and others, inhabitants of the Township of Warwick.

By Mr. Cummings,--the Petition of the Reverend John Anderson and others, members of the United Church of England and Ireland, in the Township of Bertie, in the Diocese of Toronto.

By Mr. Chalmers,--the Petition of John Lyon and others, inhabitants of the Township of Esquesing, in the Gore District; and the Petition of William Peacock and others, lessees and occupants of Clergy Reserves in the Township of Trafalgar, in the District of Gore.

(15)

By Mr. Ermatinger,--the Petition of John Prince, Esquire, President of the Niagara and Detroit Rivers Railroad Company, and others, freeholders and inhabitants of Upper Canada.

By the Honourable Mr. Moffatt,--the Petition of John E. Mills, Esquire, Chairman of the Committee of Management of the Champlain and St. Lawrence Railroad Company; and the Petition of the President and Governors of the Montreal General Hospital.

By Mr. Woods,--the Petition of Richard E. Vidal,--Commander, of the Royal Navy.

By Mr. Méthot,--the Petition of L. M. Cressé, Esquire, Mayor and others, the Councillors of the Municipality of the Parish of St. Jean Baptiste de Nicolet.

By Mr. Guillet,--the Petition of Pierre J. Trépanier and others, of the Parish of St. Stanislas, in the County of Champlain.

By Mr. Chauveau,--the Petition of Jacques Légaré, Esquire, and others, inhabitants of the Parish of Ste. Foye and its neighbourhood, (relating to certain roads); and the Petition of Jacques Légaré, Esquire, and others, inhabitants of the Parish of Ste. Foye and its neighbourhood, (relating to a certain Tollgate.)

By Mr. Duggan,--the Petition of Robert Easton Burns, Esquire, Judge of the District Court of the Home District.

By Mr. Prince,--the Petition of the Reverend William Ritchie and others, members of the United Church of England and Ireland, in the Diocese of Toronto.

By the Honourable Mr. Aylwin,--the Petition of Horatio N. Patton, Esquire, and others, citizens of Quebec, and inhabitants of the Parish of Point Levy; and the Petition of James Dean, Esquire, and others, merchants of Quebec.

Petitions Read. Pursuant to the Order of the Day the following Petitions were read:--

Of George W. Foot, Esquire, and others, of the Townships of Harwick, Dover, Chatham, and Sombra; praying for the construction of a Road from Chatham to Dover.

Of Isaac Law and others; praying that the Laws relating to the solemnization and registering of marriages, and enregistering of baptisms, may be so amended as to extend the privileges thereof to the Associate Presbyterian Synod of North America.

Of the Reverend William H. Gunning and others, members of the United Church of England and Ireland, in the County of Leeds, in the Diocese of Toronto; of R. Henry and others, members of the United Church of England and Ireland, in Cobourg and its vicinity, in the Diocese of Toronto; of the Reverend Jonathan Shortt and others, members of the United Church of England and Ireland, in Port Hope; of the Reverend Thomas B. Read and others, members of the United Church of England and Ireland, in the Parish of Port Burwell, in the Diocese of Toronto; of the Reverend Francis William Sandys and others, members of the United Church of England and Ireland, in Howard and other Townships, in the Diocese of Toronto; of the Reverend Robert Blakey and others, members of the United Church of England and Ireland, in the Township of Augusta, in the County of Grenville, in the Diocese of Toronto; and of the Venerable George O'Kill Stuart, L. L. D., and others, members of the United Church of England and Ireland, in the Parish of St. George, Kingston, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Municipal Council of the District of Simcoe; praying that the Common School Act may be so amended that the Municipal Councils can collect as well as assess the School Taxes.

Of the Municipal Council of the District of Simcoe; praying to be empowered to levy a tax upon the wild lands in the said District.

Of John Urquhart and others, of the Townships of Trafalgar, Esquesing, and Erin, in the Home and Gore Districts, praying to be incorporated as a Joint Stock Company, for the purpose of constructing a Plank or Macadamized Road from Oakville through the said Townships.

Of the Municipal Council of the District of Niagara; praying that the Act 8 Vict. Cap. 26, imposing a certain tax on rateable property, may be repealed, so far as it relates to the said District.

Of the President, Directors and Company of the Great Western Railroad; praying for certain amendments to their Act of Incorporation,--and that they may be empowered to erect or contract for a Magnetic Telegraph along the line of the said road.

Of the President, Directors and Company of the Great Western Railroad; praying for certain amendments to the Act Incorporating the said Company.

Of C. Jackson and others, Trustees of the Charleston Academy; praying for aid in support of the said Institution.

Of Donald Cameron, of the Township of Thorah, in the Home District; complaining that certain lands which ought to have been granted to him and his followers by the Executive Government, have been withheld,-- and praying relief.

Of E. Guy, Esquire, and others, residing on the Lower Lachine Road; praying that the whole line of the said Road may be Macadamized, or otherwise that they may be exampted from the payment of toll.

Of Toussaint Meloche and others, of the Parishes of Ste. Geneviève, in the Island of Montreal, and St. Raphael in l'Isle Bizard; praying that the road from l'Abord à Plouffe to the village of Ste. Geneviève may be placed under the controul of the Commissioners of turnpike roads, to be by them improved.

Of Marie Honorine Pinsoneault (dite St. Joseph) and others, the Religious Sisters of Charity of the Hotel Dieu of the Parish of St. Hyacinthe, in the County of St. Hyacinthe; praying for the passing of an Act of Incorporation.

Of the Reverend George L. Lemoine and others, of the County of Quebec; praying that a new Bridge may be erected across the River St. Charles; or that if the present bridge be acquired from the proprietors, and placed under the controul of the Turnpike Trustees, no higher tolls may be exacted than those established by the 8th Vict. cap. 55.

Of Dominique Lefrançois and others, of the Parish of St. Ambroise de la Jeune Lorette; praying for the passing of an Act to exempt the District of Quebec from the operations of the Ordinances relating to winter vehicles.

Of the Municipal Council of the District of Wellington; praying for the establishment of Township Councils.

Of Henry Ruttan and others, of the Township of Hamilton, in the District of Newcastle; praying to be incorporated as a Joint-Stock Company, for the purpose of constructing a Road, and establishing a Ferry, from the Town of Cobourg to Gore's Landing.

Of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette; praying for the repeal of two certain Ordinances relating to winter roads and winter vehicles, in so far as regards certain places therein mentioned.

Of Pierre Bussière and others, of the Parishes of St. Henri and St. Isidore, in the County of Dorchester; praying to be continued

(16)

in the possession and privileges of a Mill erected by him in the Parish of St. Isidore, for a certain limited time.

Of François Laroche of the Parish of St. Augustin, in the County of Portneuf; praying to be indemnified for certain expenses incurred by him as Clerk of the Division Court in the Inferior District of Quebec.

Of William Hall, Esquire, and others, of the Townships of Broughton, Tring, Forsyth, Lambton, and Leeds, in the County of Megantic; praying for a grant to open a road from Tring to Leeds.

Of the President and Board of Police of the Town of Cornwall; praying to be relieved from the payment of District Rates for the sup-

port of the Administration of Justice in Criminal Cases, and for certain amendments to their Act of Incorporation.

Of the Church Society of the Diocese of Toronto; praying that measures may be adopted for vesting in them, for the benefit of the Church of England, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Pierre Garette and others, of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska; praying that they may be allowed to use their ordinary winter vehicles and carriages.

Of Moyse Lemire and others, of the Parish of St. Antoine de la Baie du Febvre, in the District of Three Rivers; praying for certain amendments to the Common School Act.

Of James Pearson and others, of the Township of Hillier, in the District of Prince Edward; praying for a new survey of the 3d Concession of the said Township.

Of John Felton, Esquire, of the Town of Sherbrooke; praying to be compensated for loss sustained by a certain change affecting him as Agent of Crown Lands in the Districts of Sherbrooke, Nicolet and Missisquoi.

Of the Reverend Richard Lonsdele and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Municipal Council of the Eastern District; praying for a grant of £650, to improve a certain part of the road leading from the Township of Matilda to the Town of Cornwall.

Of Captain Joseph Bedard and others, of the County of Quebec; praying that the Dorchester Bridge, over the River St. Charles, be [illegible] at the public expense, and moderate tolls established upon it--or that they may be permitted to build a free Bridge over the said River.

Of the Reverend P. Roy and others, of the County of Quebec; praying that the Route Ste. Claire to La Jeune Lorette may be improved at the public expense, and placed under the controul of the Trustees of the Quebec Turnpike Roads, under certain conditions.

[illegible] Esquire, and others, of the County of Quebec; praying that the Winter Roads Ordinances be repealed, as far as regards the District of Quebec.

Of Jacques Légaré, Esquire, Mayor, and the Councillors and others of the Municipality of the Parish of Ste. Foye, in the District of Quebec; praying a further suspension of the Winter Roads Ordinances as to the District of Quebec.

Of Jean Baptiste Pagé, and others, inhabitants of the Parish of L'Ancienne Lorette; praying an amendment to the Act of last Session relating to the Turnpike Roads near Quebec.

Of the Municipal Council of the District of Victoria; praying for a certain amendment to the Municipal Council Act.

Of the Municipal Council of the District of Victoria; praying for aid to construct a Macadamized Road from Madoc to Belleville and

to Madawaska.

Of the Municipal Council of the District of Victoria; praying that a Charter be granted to a Company, by the name of "The Wolfe Island, Kingston, and Toronto Railroad Company."

Of George Roe and others, of the County of Russell; praying that the share of the Clergy Reserves accruing to the Episcopal Church, may not be made over to the management of its Incorporated Societies.

Of the District Council of the Home District; praying for certain amendments to the Municipal Council and Common School Acts.

Of John Grubb and other inhabitants of the Township of York and of the Gore of Toronto; praying for an Act of Incorporation as a Plank Road Company, for the purpose of constructing a certain road.

Of the Reverend W. Adam and others, Unitarian Christians of the City of Toronto; praying that the Societies of Unitarian Christians may be placed upon an equality with other religious bodies in the Province.

Of A. Sauvageau and others, of the County of Huntingdon; praying that a Turnpike Road be made from the Village of Laprairie to the Province Line.

Of William Workman and others, of the District of Montreal; praying that an Act of Incorporation may be granted to a Company for the purpose of constructing a Railroad to the Province Line, to form a complete line of Railroad from Montreal, to Boston in the United States.

Of Wishe Tegarihontie and others, Chiefs and Warriors, Iroquois, Algonquins, and Nepissings, of St. Regis and other places; praying for the passing of an Address to Her Majesty to continue to them their annual allowances.

Of Jean Bte. Miville Dechène, of St. Henry; praying to be indemnified for the loss of his schooner while in the service of the Government in the year 1816.

Of Julien Demers, Esquire, and others, of the Parishes of Ste. Croix and St. Flavien, in the County of Lotbinière; praying that the Registry Office for the County be removed from Lotbinière to Ste. Croix.

Of the Reverend J. B. Potvin and others, of the County of Lotbinière; praying an aid to repair two Bridges in the Parish of Ste. Croix.

Of the Reverend Louis Proulx and others, of St. Antoine de Tilly, and other Parishes in the County of Lotbinière; praying that the Registry Office be removed from Lotbinière to St. Antoine de Tilly.

Of the Reverend P. Patry and others, of the Parish of St. Giles, in the County of Lotbinière; praying for the passing of an Act to establish the Registry Office of the said County at St. Antoine de Tilly.

Of the Mayor, Aldermen and Commonalty of the City of Toronto; praying that the duplicates of Works now in the Library of the Legislature, as well as certain Geological Specimens, may be placed in deposit in the said City for the benefit of the citizens thereof.

Of the Municipal Council of the District of Johnstown; praying that the existing law relating to Division Courts may be repealed or amended.

Of the Honourable Antoine G. Couillard and others, of the County of l'Islet; praying that measures be adopted to prevent the total destruction of Wild Fowl in the said County.

Of G. Marchand and others, of the District of Montreal; praying that measures be adopted for ascertaining and compensating the damages they have sustained by the making of the Chambly Canal.

Of M. F. Valois and others, inhabitants and proprietors of Lachine and other Parishes; praying the extension of the Lachine Turnpike Road through Pointe Claire to Ste. Anne's.

Of L. M. Cressé, Esquire, and others, of the Parish of St. Jean Baptiste de Nicolet; praying that Courts of Justice may be established

(17)

on the south side of Lake St. Peter and of the River St. Lawrence, in the District of Three Rivers.

Of Thomas Steel and others, of the Counties of Sherbrooke and Drummond; praying that aid may be afforded to the Quebec and Melbourne Railroad Company.

Of John Moore, Esquire, and others, of Westbury and other Townships; praying that the Road from the Province line in Hereford to the River St. Francis in Westbury may be completed.

Of the Municipal Council of the Municipality of Ascot; praying for certain amendments to the Municipal Council and Common School Acts.

Of H. N. Hill and others, inhabitants of Eaton, in the County of Sherbrooke; praying for certain amendments to the Municipal Council and Common School Acts.

Of Lieutenant Colonel P. J. Héroux and others, landholders of the Township of Warwick; praying that a Road may be opened from the St. Gregoire Road through the Townships of Aston, Horton, and Warwick, to the line of Arthabaska.

Of the Reverend Clovis Gagnon and others, of the Township of Stanfold and places adjoining; praying for aid to open a Road from Stanfold to the St. Francis in Grantham.

Of Charles Robertson, Esquire, and others, inhabitants of Point Levi, in the District of Quebec; praying that the Ordinances relating to Winter Roads be repealed in so far as regards the Districts of Quebec and Gaspé, and that part of the District of Three Rivers which is or was in the Municipal District of Portneuf.

Of Louis Joseph Laverrier and others, inhabitants of the Parish of St. Bernard, in the County of Dorchester; praying that the Act for establishing Councils be repealed; that enregistration be rendered less expensive; that petty jurymen be paid; that a sum be granted for the improvement of the River Chaudière; and that an aid be granted to the poor of the Parish of St. Bernard.

Of the Directors and Managers of the Charitable Association of the Roman Catholic Ladies of Quebec; praying for aid to rebuild a house occupied by the Orphans under their care, destroyed by the late fire in the said city.

Of Augustin Gauthier, junior, of Quebec, Inspector of Anatomy; praying that a salary or other compensation be allowed him in addition to his fees under the Act.

Of the Society of Education of the District of Quebec; praying the usual annual aid, and an additional sum to enable them to defray the cost of reconstructing their Schools destroyed by the late great fire.

Of Roderick M'Gillis and others, licensed Cullers of Quebec; praying for a grant out of the Fees arising from the Culling and Measurement of Lumber, in aid of a relief fund for their mutual support.

Of Roderick M'Gillis and others, Cullers and Inspectors of Timber; praying to be incorporated as "The Quebec Cullers Benevolent Society."

Of Messieurs Burroughs and Huot, Prothonotary of the Court of Queen's Bench for the District of Quebec; praying to be authorized to have copies of the Registers of Baptisms, Marriages, and Burials of the District of Quebec, from the year 1681 to the present time, made for their preservation; and that a grant be made for that purpose.

Of J. Ferrier, Esquire, and others, inhabitants of the Province of Canada; praying for an Act of incorporation to enable them to construct a Railroad from Montreal to the waters of Lake St. Louis, in the Parish of Lachine.

Of Henry Gildersleeve and others; praying to be incorporated into a Company, for the purpose of constructing a Railroad from Wolfe Island, in the Midland District, to Toronto, in the Home District.

Of Thomas Ainslie Young, Esquire, of the City of Quebec; praying for the payment of a certain amount due him as Auditor General of Public Accounts for the Province of Lower Canada.

Of the Quebec Board of Trade; praying for a grant to provide a New Custom House in the said City.[2]

During the reading of Petitions the Speaker SIR ALLAN MACNAB refused to receive one because of the signatures being all in the same writing.[3]

COL. PRINCE remarked that it was a serious matter to reject Petitions, and that he would humbly recommend the Speaker to enquire into the causes of informalities and especially such a one as that just decided upon; he (Col. P.) knew of cases at Church doors of large numbers of names being affixed to Petitions through the agency of one person.[4]

MR. GOWAN said that he had presented a petition with the signatures all in the same hand, but it was a copy made by himself, he having retained the original signatures in his desk. (Hear, hear.)[5]

The Speaker SIR A. MACNAB remarked that he had been aware of the fact he would not have permitted such a Petition to be received.

Besides the above case the Speaker rejected a large number of Petitions, some from no dates being attached to them and some because of no signatures being upon the same sheet with the prayer.[6]

(17)

Petitions referred:

E. Guy and others.

Resolved, That the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, be referred to a Select Committee, composed of Mr. Leslie, the Honourable Mr. Viger, Mr. DeWitt, Mr. Colvile, and Mr. Lemoine, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Toussaint Méloche and others.

Ordered, That the Petition of Toussaint Méloche and others, of the Parishes of Ste. Geneviève, in the Island of Montreal, and St. Raphael, in l'Ile Bizard, be referred to the said Committee.

Soeur St. Joseph of St. Hyacinthe.

Resolved, That the Petition of Marie Honorine Pinsoneault (dite St. Joseph) and others, the Religious Sisters of Charity of the Hotel Dieu of the Parish of St. Hyacinthe, in the County of St. Hyacinthe, be referred to a Select Committee, composed of Mr. Boutillier, Mr. Franchère, Mr. Berthelot, Mr. Nelson, and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. SOL. GEN. SHERWOOD[7], moved that the petition of Church Society read this day be referred to a special Committee composed of Messrs. Moffat, Aylwin, and Boulton.[8]

MR. ROBLIN hoped that as this was a subject that interested all Upper Canada, the mover would allow the house to name the Committee.[9]

MR. SOL. GEN. SHERWOOD said he took the same course as last year, and he did not think that, whatever might be the Report of the Committee it would alter the opinion of the hon. gentleman.[10]

(17)

Church Society, Diocese Toronto.

Resolved, That the Petition of the Church Society of the Diocese of Toronto, be referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Moffatt, the Honourable Mr. Aylwin, Mr. Gowan, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

R. Henry and others.

Ordered, That the Petition of R. Henry and others, members of the United Church of England and Ireland, in Cobourg and its vicinity, in the Diocese of Toronto; and the Petition of the Reverend W. H. Gunning and others, members of the United Church of England and Ireland, in the County of Leeds, in the Diocese of Toronto, be referred to the said Committee.

J. M. Robitaille and others. — Resolved, That the Petition of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette, be referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. Morin, Mr. Solicitor General Taschereau, the Honourable Mr. Laterrière, Mr. Taché, and Mr. Chauveau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Niagara Municipal Council. — Resolved, That the Petition of the Municipal Council of the District of Niagara be referred to a Select Committee, composed of Mr. Cummings, Mr. Prince, and Mr. Webster, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Mayor, &c. City Toronto. — Resolved, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Toronto, be referred to a Select Committee, composed of Mr. Boulton, Mr. Price, and the Honourable Mr. Robinson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

(18)

François Laroche. — Resolved, That the Petition of François Laroche of the Parish of St. Augustin, in the County of Portneuf, be referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. Attorney General Smith, Mr. Leslie, Mr. Chabot, Mr. Guillet, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

P. Bussière and others. — Resolved, That the Petition of Pierre Bussière and others, of the parishes of St. Henri and St. Isidore, in the County of Dorchester, be referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. Daly, Mr. Solicitor General Taschereau, Mr. Boutillier, Mr. Desaunier, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Despatch from Colonial Secretary. — The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Administrator of the Government, the following copy of a Despatch from the Colonial Secretary to His Excellency:--

(Copy.) No. 32.

DOWNING STREET,
3d March, 1846.

MY LORD,

I have to acknowledge the receipt of your Despath of the 28th January, No. 7, relating to the expected changes in the British Corn Law, deprecating such changes generally in the interest of Canada, and at the same time urging that if there be a determination on the

part of Parliament to adopt them, it is much to be desired that they should not take immediate effect.

The interests of Canada have occupied the place to which they are justly entitled, in the deliberations of Her Majesty's Government upon this important subject, and upon others which are akin to it. At the same time, I need hardly point out to Your Lordship, that there are matters in which considerations, immediately connected with the supply of food for the people of this country, and with the employment of its population, must be paramount.

Both in respect to Corn and in respect to Timber, Her Majesty's Government have determined to propose, and to use whatever influence they may possess, for the purpose of carrying through Parliament the proposal, that the alterations about to be made should be gradual; and among the motives which have led them to this determination, has been the belief that this delay would be acceptable, and would also be advantageous to the people of Canada.

In order to supply you with some further evidence of their desire to consult Colonial wishes and interests in discharging their public duties, I have to direct your attention to a Schedule hereto annexed, which exhibits the duties now chargeable upon articles of Agricultural Produce when imported from the British Dominions abroad, and the changes which it is intended to make in favour of the Colonial Trade, by the immediate abolition or reduction of these duties.

I trust that Canada may largely avail herself of the advantages which are thus (for I venture to anticipate the favourable judgment of Parliament upon these propositions about to be submitted to it on the part of the Crown,) about to be placed within her reach. The desire of Her Majesty's Government is, that the Trade in Canada may in all respects approach as nearly to perfect freedom, as the dispositions of its inhabitants, and the exigencies of the Public Revenue there, may permit. And, in evidence of that desire, I may advert to my Despatch No. 19, of the 3rd of February, relating to the Provincial duty on the importation of Wheat, and may again apprize you, that it is not the intention of Her Majesty's Government to check any disposition which Canada may manifest, should such be the case, for the repeal of that duty by the interposition of the Prerogative.

Further, with regard to Corn, I have much satisfaction in reflecting, that if Canada will have to enter into competition with the Western States of America, and to engage in this rivalry, when no longer covered by any protective duty, at least she will not be called to make the effort without some advantages on her side; among them I reckon her light taxation,--the assistance she has received from British credit and funds in the construction and improvement of her internal communications,--her more regular and steady course of trade with this country,--her low tariff, so favourable to improvement, and on that account powerfully tending to encourage her reciprocal commerce outwards,--some advantage in the point of proximity, as compared with the most Westerly States of the Union, which are also her most formidable rivals in cheapness of production; and lastly, the means of carriage without

transhipments by the St. Lawrence, which cannot be had by the way of the Erie Canal. She will likewise have this in her favour, that her Corn Trade will have become a settled one of some standing, with all its arrangements made and in full operation, while any regular commerce in that article from the United States must be a new creation, and must go through the processes attending its selfadjustment, to circumstances as yet untried.

And if it be true that New York offers some advantages, as compared with Montreal, particularly in regard to the rate of insurance, on the other hand, I consider that the shipping of British North America has many advantages over that of the United States, in the competition for freights, as it is constructed at far less expense, and is, I must assume, navigated with egual vigour and equal economy.

It is beyond doubt that Canada has felt a very invigorating influence from the augmented facility of access to the British Market, which she has enjoyed since the Act of 1843, and that it has perceptibly stimulated the extension of her Agriculture; but the average prices of Wheat, during the years 1843, 1844, and 1845, have been only 50s. 10d., 51s. 3d. and 50s. 1d. respectively.

Not presuming to anticipate, within any very close limits, what are likely to be the ruling prices of this Grain, after a perfect freedom of Trade shall have been established, I yet venture to think, that the most competent persons are not generally of opinion that they will exhibit any reduction which shall place them greatly below the rates I have just cited, and as I trust we may look forward to some diminution in the cost of conveyance, between the place of growth or grinding, and Montreal, I cannot participate in the apprehensions of those who conceive that the measure, now under consideration, will involve ruin, or any thing approaching to it, to the Trade in Canadian Corn and Flour.

I trust, therefore, that the Agricultural Population of Canada will look forward without fear, to a change, of which it is probable that the effects will be far less violent, either for good, or for the partial evils which may accompany such good, than many, prompted either by their hopes or their fears, have been forward to anticipate.

I now pass to the question of Timber, which is of great moment with reference to the Trade of Canada, although it has not the same interest as the subject of Corn, for the mass of the Population.

I have much satisfaction in drawing Your Lordship's attention to the fact, that the colonial Timber Trade prospers under the operation of those changes in the Law, which were enacted in 1842, and which

(19)

had taken full effect before the end of 1843. I subjoin a statement of the number of loads of Timber brought to England from the Colonies in each of the last ten years, and of the number of loads of Deals brought hither in each of the last three years, during which period alone, that mode of computation has been pursued, so far as relates to this branch of Wood Trade.

The increased facilities of internal transit in this country, independently of the very great temporary demand connected with the

construction of the Railways that are to effect this great improvement, promise a considerable and permanent extension of the market for foreign Wood, an extension likely to be accelerated, unless it be as to Scotland, by the progressive diminution of the home growth of Timber through the United Kingdom.

The description of Wood supplied by the British North American Colonies--the Yellow Pine--is not chiefly to be regarded as competing with the Wood of the Baltic, but rather as available for different, though concurrent uses. For example--the increase of Baltic Timber, tending to encourage the construction of new buildings, by supplying the best material for particular portions of them, has an effect, not in limiting, but in extending the demand for Canadian Timber, as furnishing the cheapest and most convenient material for other portions,--namely, the inward fittings of the very same fabrics.

Her Majesty's Government are not indeed prepared to assert, that the question of the relation between the Duty on Foreign Timber, and the Colonial Wood Trade ought to be adjusted with reference to this consideration alone, and you will perceive that they propose to retain a duty of 15s. per load upon Foreign Timber, which I apprehend may be considered as, upon the average, nearly covering the difference between Freights from the Baltic, and those from British North America to the United Kingdom.

Not only are they free from the apprehension that the proposed remission of 10s. per load on Foreign Timber, and 12s. on Foreign Deals, will cause a contraction of the Trade from British North America, but they are sanguine in the anticipation that that Trade will continue, notwithstanding the proposed change, to extend itself.

The reduction of the Duty on Colonial Timber and Deals to a nominal amount, which took place in 1842, involved the sacrifice of a considerable Revenue, and that sacrifice may, I trust, have tended and may still serve to convince the inhabitants of Canada, that it has been the earnest desire of Her Majesty, in affording relief to Her people at home, by the changes effected in the Commercial Laws of the Empire, to obviate, as far as possible, the inconveniences, and to extend the benefits which those changes might tend to produce for other portions of Her Subjects.

This country has taken upon itself the serious task of reforming its own Commercial System, in opposition to what appears to be the prevailing disposition among other nations, and to bear testimony to the world, and to put in action the powerful influence of example in favour of sound principles of Trade. Her Majesty's Government trusts that the efforts of the British Legislature in this respect may be seconded, their range extended, and the example rendered yet more impressive, not only by the acquiescence, but by the approval and the active co-operation of the Legislatures and the inhabitants of the Colonies.

I have, &c.

(Signed,) *W. E. GLADSTONE.*

Lieut. General
The Earl Cathcart, K.C.B.,
&c. &c. &c. Canada.

SCHEDULE of certain ARTICLES OF AGRICULTURAL PRODUCE OF THE BRITISH DOMINIONS ABROAD, with the present and proposed Duties thereon, on Importation into the United Kingdom.

		Present Duty.	Proposed Duty
		£ s. d.	£ s. d.
Pearled Barley.....	per cwt. ...	0 2 6	0 0 6
Butter	do ...	0 5 0	0 2 6
Buckwheat	per quarter.	6d. to 0 2 6	0 1 0
Cheese	per cwt. ...	0 2 6	0 1 6
Hams	do ...	0 3 6	0 2 0
Hops	do	4 10 0	2 5 0
Maize or Indian Corn	do	From 6d. to 0 2 6	0 1 0
Do (Meal)	do	Prohibited, ...	0 0 4½
Potato Flour	do	.....	0 1 0
Skins, manufactured	.....	10 per cent. ad valorem,	5 per cent. ad valorem.
Starch	per cwt. ...	0 5 0	0 2 6 and after the 1st Feb., 1849, 0 1 0
Tallow	do ...	0 0 3	0 0 1
Tongues	do ...	0 2 6	0 2 0
Seeds, Canary	per bushel..	0 2 0	per cwt. 0 2 6
Seeds, Carraway			
Do Carrot	per cwt. ...	0 5 0	0 2 6
Do Clover			
Do Leek	.....		
Do Onions	.....	0 10 0	0 2 6
Mustard	per bushel..	0 0 6	per cwt. 0 7 2
Other Seeds	.....	5 per cent. ad valorem	2½ per cent. ad valorem.
Animals, living	.....	Various rates	Free.
Bacon	per cwt. ...	0 3 6	
Beef	do ...	0 2 0	
Cranberries	per gallon..	0 0 1	
Hay	per load....	0 8 0	
Salted Meat not otherwise described	per cwt. ...	0 2 0	Free.
Pork, salted, (not Hams)	do ...	0 2 0	
Potatoes	do ...	0 0 1	
Other Vegetables	.....	2½ per cent. ad valorem	

SCHEDULE of certain ARTICLES OF AGRICULTURAL PRODUCE.--(Continued.)

		Present Duty.			Proposed Duty.			
Barley	per quarter.	from 2s. 6d. to	0	0 6		0	1	0
Rye	do	from 2s. to	0	0 6		0	1	0
Peas								
Beans								
Barley Meal	Not admitted under present law							
Rye Meal				.....	per cwt.	0	0	$4\frac{1}{2}$
Pea Meal								
Bean Meal								
Oats	per quarter.	from 2s. to	0	0 6		0	1	0
Oatmeal	.....	for $18\frac{1}{2}$ lbs. from 2s. to	0	0 6	per cwt.	0	0	$4\frac{1}{2}$

NUMBER of Loads of Timber imported from the British Colonies in North America, in each of the last ten years.

Years.	Oak Plank 2 inches thick or upwards	Teak.	Timber, Fir, Oak, &c., 8 inches square or upwards.	Wainscot Logs.
	Loads.	Loads.	Loads.	Loads.
1836	2	0	525,645	0
1837	2	0	545,361	0
1838	1	0	560,621	0
1839	3	0	562,398	0
1840	3	0	646,953	85
1841	2	0	633,040	0
1842	1	0	375,292	0
1843	0	0	578,172	0
1844	0	0	545,820	0
1845	0	0	796,515	0

NUMBER of Loads of Deals imported in each of the last three years.

Years.	*Loads.*	*Of which were from British Colonies.*
1843	*609,693*	*340,688*
1844	*727,456*	*395,066*
1845	*884,453*	*493,826*

Despatch read. *Ordered, That the said Despatch be now read.*

The said Despatch was read accordingly.[11]

MR. GOWAN moved that 500 copies of the Despatches lately received on the subject of the new duties be published for the use of members, half in French, and half in English.[12]

MR. HALL hoped that more than 500 copies would be printed, it was likely that something would have to be said in reference to the Despatches, and it was therefore necessary that they should be extensively read; he thought that 2000 copies would not be too much[13] -.

Oh! Oh! from some of the members.[14]

((MR. HALL responded:)) Hon. members grumbled at a little additional expense for the house, but no objection was made to paying £300, for that bauble (pointing to a splendid new mace lying on the table.)[15]

(20)

To be printed. *Ordered, That five hundred copies of the said Despatch be printed in each of the English and French languages for the use of the Members of this House.*

County of Middlesex Election. *Mr. Williams, from the Select Committee appointed to try the merits of the Petition of William Notman, Esq., of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament, reported that the Committee met yesterday, pursuant to adjournment, but were unable to proceed to business in consequence of the absence of their Chairman Mr. Dickson, and of Mr. Lacoste.*

And, further, that the Committee met again this day, but Mr. Dickson being again absent, they were accordingly unable to proceed with their investigation.

County of Oxford Election. *Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met yesterday, at nine o'clock, A. M., pursuant to adjournment, but in conse-*

quence of the further absence of Mr. Dickson, Mr. Bertrand, and Mr. Smith of Frontenac, they were again unable to proceed to business.

Members to attend in their places. — *Ordered, That Mr. Dickson, Member for the Town of Niagara; Mr. Lacoste, Member for the County of Chambly; Mr. Bertrand, Member for the County of Rimouski; and Mr. Smith, Member for the County of Frontenac, do severally attend in their places in this House, at the next sitting thereof.*

J. W. Dempsey's Relief Bill. — *Mr. Prince, from the Select Committee to which was referred the Petition of John W. Dempsey, of the City of Toronto, with power to report by Bill or otherwise, presented to the House a Bill to authorize the Courts of Queen's Bench and of Chancery in Upper Canada, in their discretion, to admit John W. Dempsey to practise as an Attorney and Solicitor therein;*[16] (21)

COL. PRINCE in moving the first reading of the said Bill, explained that the circumstances of the case were as follows:- Mr. Dempsey had served five years as Clerk in the Office of Mr. Small, Clerk of the Crown[17] & Pleas[18] at Toronto, but upon going up for his examination, the Judges held that the law required service with a practising Attorney, and which Mr. Small was not[19]. ((Thus they)) rejected Mr. Dempsey's application for admission[20] and they ... refused to sign his certificate. Mr. Dempsey had served in good faith; and[21] he, (Col. Prince) thought that no better recommendation in favour of Mr. Dempsey could be offered to the house than the fact that all the respectable Attornies of Toronto had signed a certificate in his favour. (Hear, hear.)[22] The Bill reported, did away with the disability under which he now laboured.[23]

which was received and read for the first time, and ordered to be read a second time on Monday next. (21)

Niagara and Detroit River Railroad. — *Mr. Prince, from the Select Committee to which was referred the Petition of Thomas M'Crae and others, of that part of the Province formerly Upper Canada, with power to report by Bill or otherwise, presented to the House a Bill to extend the provisions of the Act of Upper Canada incorporating the Niagara and Detroit Rivers Railroad Company; which was received and read for the first time, and ordered to be read a second time on Thursday next.*

MR. INS. GEN. CAYLEY[24] said that he hoped the House would consent to relax their rules so far as to allow him to move a resolution with regard to the important despatch that has been laid on the table.[25] He believed that no time could be more favourable for the presentation of an address praying the Imperial Government for the reduction of duties than the present moment, when so great a change was going forward in the British commercial system. The despatch itself was a proof that an address of such a kind would be well received, and the devoted attachment of the colonies willingly acknowledged.[26] The members must be gratified

with the terms in which ... ((the despatch)) is couched, with the interest that is felt by the Home Government in the affairs of this Province. The mail for Great Britain leaves for that country to-morrow, and therefore it was necessary to act immediately.[27] He moved, seconded by MR. BALDWIN, that an humble address be presented to her Majesty, praying that she would be graciously pleased to recommend to the Imperial Legislature, the reduction of the duty on all wheat flour, grain and meal, imported into the United Kingdom, to a nominal duty of 1 per cent.[28]

MR. AYLWIN trusted the motion would be withdrawn, if it were not, he should be compelled to oppose it. The proceeding was a most precipitate one[29] in such an important subject[30]. And although the honble. mover might be fully aware of the purport of the Despatch, and have made up his mind on the course he should pursue relative thereto, he must recollect other hon. members had only heard it read, were but superficially acquainted with its contents, and wished to wait until it was printed, and they were thoroughly acquainted therewith, before by a vote of this kind they pledged themselves to a policy which might embarrass them hereafter.[31] He believed that he himself and an hon. friend were the only members who had yet had an opportunity of seeing the schedule.[32]

MR. BALDWIN seconded the motion with great pleasure, because he believed it desirable that the address should go home by the mail of Friday. If the house agreed with him on that point, it would be evident that there was no time for deliberation; nor did it appear to him that any long consideration could be necessary to induce the house to apply to the home government to grant additional facilities to the agriculturists of Canada. For these reasons he hoped his hon. friend from Quebec would withdraw his objection.[33]

MR. AYLWIN could not do so.[34]

MR. BALDWIN was sorry for it. If his hon. friend could point out any probable objection which might occur on consideration, there would be some reason for delay; but in the absence of such objection, he thought no time should be lost. It must be remembered that if the present mail went home without the address, it might reach England too late for any action to be had upon it during the present session of the Imperial Parliament.[35] ((It was)) of paramount importance ... to the trade of this Province that the question should be settled by the commencement of the business season[36]. He took the opportunity to express his entire approbation of the general spirit of the despatch. It only furnished him with additional proof of the correctness of the idea that he had always entertained, that the British government did wish to deal with the colonies in a fair and liberal spirit. He always had entertained that belief, and the more he saw of imperial legislation, the more firmly was he convinced of the truth of his opinion.[37]

MR. MOFFATT entirely concurred in the remarks of the last speaker.[38] ((He)) could not imagine any reason for delay, in asking for a reduction of duty on the principal articles of Canadian export.[39] It was necessary to take action on this subject immediately, as the question was now before the House of Commons, and it was advisable to send the

address home in time to influence the House of Lords.[40] The present duty on wheat and peas was 1s. sterling per quarter, and on flour, 6d. sterling per barrel.[41] The object of the motion was to have our flour and wheat admitted into Britain at the small duty of one per cent ad valorem.[42] What consideration could be necessary on such a subject.[43] The hon. gentleman after remarking upon the importance of the subject, suggested that the proposed reduction was not great enough[44]. A small duty was required for statistical information, but he preferred a specific duty to an ad valorem one[45]. He ... would prefer a fixed duty, and would suggest that his hon. friend should make an alteration in his address, with a view to obtaining a specific instead of an ad valorem duty.[46] The former is less troublesome to all parties than the latter, and he thought that would be preferred at home.[47]

MR. AYLWIN had two observations to make before he voted on this subject. In the first place, he desired to know why the despatch had been kept so long from the house, and why the other despatch, marked 19, of which mention was made in the despatch just read, had not even yet been produced.[48] Under the circumstances ((he)) would withdraw ... ((it.)) ... In consenting to the motion he must not ... be understood as concurring in all the details of the schedule of the despatch[49] ((and)) any measure which might arise out of it.[50]

MR. INS. GEN. CAYLEY, what details do you refer to?[51]

MR. AYLWIN, having had an opportunity of reading it only for a moment, he could not particularize the various details to which he objected[52] ((but)) he desired it to be distinctly understood that the address did not pledge the house to any approval of the details of the despatch.[53] In giving his consent to this motion, he could not pledge himself as a colonist to these new commercial arrangements.[54]

MR. BALDWIN said, he did not pledge himself to the details, he referred only to the general spirit of the despatch.[55]

MR. MOFFATT said there was no pledge whatever.[56]

MR. AT. GEN. DRAPER recommended that the motion be amended by inserting the words, or a specific duty not exceeding one percent advalorem.[57]

MR. MOFFATT stated that one per cent is equivalent to half the present duty.[58]

MR. AT. GEN. DRAPER moved . . . the words "the smallest possible specific duty, not exceeding one penny per quarter."[59]

(21)

Notion for an Address to the Queen, on the subject of the admission in the United

The Honourable Mr. Cayley moved to resolve, seconded by the Honourable Mr. Baldwin, that an humble Address be presented to the Queen's Most Excellent Majesty, praying that Her Majesty will be graciously pleased to recommend to Parliament that wheat flour, and wheat and peas, and all grain and meal from all

Kingdom, on a specified duty, of flour, grain, &c. — *descriptions of grain and pulse, when imported into the United Kingdom from this Province, may be admitted on the payment of the smallest possible specific duty, not exceeding a penny on the quarter.*

Rule of the House dispensed with. — *Resolved, That the Rule of this House which requires a Notice to be given, be dispensed with as regards this motion.*

The question being then put on the said motion, it was agreed to unanimously; and

Resolved accordingly.

MR. INSP. GEN. CAYLEY[60] moved that a Special Committee to be composed of Messrs. Baldwin, Moffatt and Cayley, be appointed to draft an address on the above motion.[61]

(21)

Select Committee to prepare Address. — *Resolved, That a Select Committee, composed of the Honourable Mr. Cayley, the Honourable Mr. Baldwin, and the Honourable Mr. Moffatt, be appointed to prepare and report the draught of an humble Address to the Queen's Most Excellent Majesty, praying that Her Majesty will be graciously pleased to recommend to Parliament that wheat flour, and wheat and peas, and all grain and meal from all descriptions of grain and pulse, when imported into the United Kingdom from this Province, may be admitted on the payment of the smallest possible specific duty, not exceeding a penny on the quarter; pursuant to the said Resolution.*

Address Requested. — *The Honourable Mr. Cayley, from the Select Committee appointed to prepare and report the draught of an humble Address to the Queen's Most Excellent Majesty, praying that Her Majesty will be graciously pleased to recommend to Parliament that wheat flour, and wheat and peas, and all grain and meal from all descriptions of grain and pulse, when imported into the United Kingdom from this Province, may be admitted on the payment of the smallest possible specific duty, not exceeding a penny on the quarter, presented to the House the Address prepared by the said Committee, which Address was again read at the Clerk's table, and agreed to by the House, and is as followeth:--*

Address. — *To the Queen's Most Excellent Majesty:*

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, humbly approach Your Majesty for the purpose of expressing our earnest hope, that in the great changes in Commercial policy now contemplated by Your Majesty's Government, the just claims of this Province, as an integral portion of the British Empire, will not be overlooked; and that Your Majesty will be graciously pleased to recommend to Parliament that wheat flour, and wheat and peas, and all grain and meal from all descriptions of grain and pulse, impor-

ted into the United Kingdom from Canada, may be admitted on the payment of the smallest possible specific duty, not exceeding a penny the quarter.

Address to His Excellency to transmit Address to the Queen.

Resolved, That an humble Address to presented to His Excellency, the Administrator of the Government, informing His Excellency, that this House hath voted an Address to Her Majesty, expressing an earnest hope that, in the great changes in Commercial policy now contemplated by Her Majesty's Government, the just claims of this Province as an integral portion of the British Empire, will not be overlooked; and that Her Majesty will be graciously pleased to recommend to Parliament that wheat flour, and wheat and peas, and all grain and meal from all descriptions of grain and pulse, imported into the United Kingdom from Canada, may be admitted on the payment of the smallest possible specific duty, not exceeding a penny the quarter; and praying that His Excellency will be pleased to transmit the said Address to Her Majesty's Principal Secretary of State for the Colonies, to be by him laid at the Foot of the Throne.

Ordered, That the said Addresses to Her Majesty, and to His Excellency, the Administrator of the Government, be engrossed.

Ordered, That the said Addresses be presented to His Excellency, the Administrator of the Government, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Administrator of the Government, to know His Excellency's pleasure, when he will be attended by this House with its Addresses.

On motion of Mr. Christie, seconded by Mr. DeWitt,

Bills past last Session, and reserved.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying His Excellency will be pleased to lay before this House copies of any Despatches he may have received, or such parts thereof as he shall see fit to communicate, relating to any of the Bills passed last Session, reserved for the consideration of Her Majesty; and in particular, the Bill affording a recourse to Her Majesty's Subjects in this Province having legal or just claims upon Her Majesty's Executive Government thereof.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Messages from the Administrator of the Government.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Administrator of the Government, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

CATHCART.

Post-Office, British North America. The Administrator of the Government having received the sanction of the Imperial Government, to comply with the desire expressed by the Legislative Assembly in its last Session, transmits for their information, a copy of the Report of the Commissioners appointed by the Imperial Government, to enquire into the affairs of the Post-office in British North America.

(For the said Report see Appendix F.)

(22)

CATHCART.

Despatches. The Administrator of the Government transmits, for the information of the Legislative Assembly, Copies of the several Despatches from Her Majesty's Secretary of State, enumerated in the annexed Schedule.

GOVERNMENT HOUSE,
24th March, 1846.

SCHEDULE of Despatches accompanying the Message to the Legislative Assembly of the 24th March, 1846.

NO.	DATE.	SUBJECT.
	1845	
356	15th March....	Registration of Merchant Seamen, with Copy of a Letter from Captain Otway, R.N.
371	16th April....	Acknowledging Copies of Congratulation to Lord Metcalfe on his elevation to the Peerage.
Military. 30	25th April....	With Letter from the Treasury respecting Duties imposed in Canada on Articles imported for the use of Her Majesty's Troops.
424	30th August...	Sir Wm. Burnett's Preparation for Preservation of Timber from Fire.
455	6th Nov.....	Mr. Payne's ditto ditto
456	15th "	Desertion of Merchant Seamen--in reply to Memorial of Owners and Masters of Ships trading to Quebec.
457	15th "	Remarks on the Act of last Session incorporating the St. Lawrence and Atlantic Railway Company.
458	18th "	Harris' Divorce Bill will not be confirmed by Her Majesty.
1	30th Dec.....	Respecting Act of last Session to secure the Right of Property in British Plantation Vessels.

NO.	DATE.	SUBJECT.
1846		
Circular,	15th January,	General Instructions relative to Colonial Railway Acts.
18	3d February,	Respecting the Customs Act of last Session.

(Copy.)
No. 356

DOWNING STREET,
15th March, 1845.

MY LORD,

I have the honour to transmit to Your Lordship, for your consideration, the copy of a letter from Commander Otway, R.N., suggesting the Registration of Merchant Seamen in Canada and other Colonies. I find that the Lords Commissioners of the Admiralty entertain the opinion that this is not a subject which should be regulated by any Act of the Imperial Parliament, but that it should be left to the Government and Legislature of each Colony to take such measures as may appear to them necessary for effecting the Registration of Colonial Seamen.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
The Lord METCALFE, G.C.B.,
&c.&c.&c.

(Copy.)

TORONTO,
9th January, 1845.

MY LORD,

Having occupied some years (between 1826 and 1829) in drawing up a Scheme for the Registry of Seamen, with a view to the prevention of desertion from both the Military and Merchant Navies, and presented it when completed to the late Lord High Admiral (afterwards published for distribution among Members of Parliament and other Officials,) I cannot but feel interested in the working of the present scheme as established by Sir James Graham, many of the essential parts being similar to those suggested by me. It is therefore with unfeigned pleasure I learn that the Registry is no longer confined to London alone but extended to the Outports of the Kingdom. It may not however have occurred to Your Lordship, that to carry out the 9th Regulation, which imposes a penalty of £10 on Commanders of Merchant Vessels for every man they may ship as part of their crews, who may be deficient of a Registry ticket, it will be requisite that the Registry be extended to such of our Colonies as are essentially nurseries for Seamen, in which position Canada stands conspicuous. Her numerous Fishing Vessels form the very

cradles of infant essayists--her building Ports furnish stately Ships for the display of their matured proficiency--and the Commercial Traffic of her Merchants give employ to many thousands of first class Seamen both Native and European--among which mass of men, casualities must ever be occurring; but under the ban of £10 penalty, such casualties cannot be remedied by filling up vacancies occurring from death, sickness, &c., unless there be a Registry in Canada, for native Mariners, or such as can establish their adoption of the Colony as their home. The Registry, if adopted, should not extend to any other Seamen, or it will operate against the working of the system of British Certificates, and every holder of a Canada Certificate on arrival in England, should be required to exchange it for a British Ticket. By such a scheme native Mariners may be obtained from the Colony, otherwise, I imagine, there must be an especial exemption from penalty when absent from Britain.

Should the Treasury be induced to extend the Registry to Canada, I beg respectfully to solicit that Your Lordship would be pleased to nominate me as Registrar.

I have. &c. (Signed,) R. OTWAY
Commander, R.N.

The Right Honourable
The Lord STANLEY,
&c.&c.&c.

(Copy.)
No.371

DOWNING STREET,
16th April, 1845.

MY LORD,

I have received your Lordship's Despatch No.229, of the 17th March, enclosing copies of the Addresses of Congratulation, which have been presented to you by both Branches of the Legislature of Canada, and by various Public Bodies in the Province, on your elevation to the Peerage.

It is extremely satisfactory to me to learn that so unequivocal and spontaneous a manifestation of feeling has been called forth by the late distinguished mark of the Queen's approval of Your Public Services.

I have, &c.
(Signed,) STANLEY.

The Right Honourable
Lord METCALFE,
&c.&c.&c.

(Copy.)
MILITARY,
No.30

DOWNING STREET,
25th April, 1845.

MY LORD,

With reference to the correspondence which has passed relating to duties imposed on Supplies imported into Canada for the use of Her Majesty's Troops, I now transmit to Your Lordship copies of a letter

(23)

and of its enclosures which have been received from the Board of Treasury, representing that the new Customs' Bill, passed by the Canadian Legislature, contains no exemption of provisions or other articles imported into the Province for Her Majesty's Service.

I cannot conceal from Your Lordship that this departure from an acknowledged principle observed by every Possession of the Crown has appeared to Her Majesty's Government to be ungracious; and that we are unwilling to assume that the Legislature of Canada deliberately purposes to impose on the British Exchequer, a burden which it has never hitherto been called upon to bear.

I trust, therefore, that at the next meeting of the Legislature, Your Lordship will use your best endeavours with a view to obtain the exemption desired by the Lords Commissioners of Her Majesty's Treasury, it being understood of course that Her Majesty's Government would readily consent to any arrangements which might be required in order to guard against abuse.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE,
&c.&c.&c.

(Copy.)

TREASURY CHAMBERS,
16th April, 1845.

SIR,

With reference to my letter of the 17th August last, and to your reply of the 12th November following relative to the duties to which certain articles imported for the use of the Troops in Canada were liable under an Act of the Provincial Legislature, I am commanded by the Lords Commissioners of Her Majesty's Treasury, to transmit to you, to be laid before Lord Stanley, copy of a Report to this Board, from Commissary General Filder, dated 24th ultimo, with its enclosures.*

Lord Stanley will perceive that in the new Customs' Bill, which has been passed by the Legislature of Canada, no exemption has been made of Provisions or other articles imported or supplied for Her Majesty's Service, and that even the Victualling Stores sent from the Government Depôt in this country, will be subject to a duty under the Act in question.

The principle of exempting from Customs' Duties, both Imperial and Colonial, all articles imported or supplied for Her Majesty's Service having been fully admitted, My Lords entertain no doubt that Lord Stanley will consider it right to instruct the Governor General of Canada to take

---

* Customs' Duties--Resolutions to be moved by the Honourable Mr. Robinson, in Committee of the whole House, on Tuesday, the 25th of February, 1845--as amended in Committee of the whole, and agreed to by the House.

such measures as His Lordship may see fit, with a view to the adoption of that principle in the Canadian Provinces.

If Mr. Filder is right in supposing that the House of Assembly objected to exempt certain articles imported into Canada for the use of Her Majesty's Troops from the payment of Duty, under an apprehension that the privilege might be liable to abuse, My Lords have to observe, that it does not appear that any such abuse has been practised, in other Colonies, in which the exemption is in full operation, and their Lordships cannot but suppose that arrangements which might be agreed upon between the Commissariat and the Custom House Officers, with the sanction and approval of the Governor General, would have the effect of preventing fraud in this matter.

I am to request that the enclosure in Mr. Filder's Report may be returned to this Board.

I am, &c.,

(Signed,) C. E. TREVELYAN.

(Copy.)
No.1009.

COMMISSARIAT, CANADA,
Montreal, 24th March, 1845.

SIR,

Referring to my letter of the 8th July last, and to yours of the 2nd December last, I have the honour to report, for the information of the Lords Commissioners of Her Majesty's Treasury, that a new Customs' Bill has been passed by the Legislature of this Colony, augmenting the duty on live Cattle from £1 to £1 10s. sterling per head, being about 24 per cent. on the cost of the animals, without containing any clause for exempting Cattle introduced for the use of the Troops from the operation of the Act.

The supply of Cattle in the Colony being unequal to the consumption, excepting possibly in some of the remote Districts too distant for the surplus to be available for the deficient Markets, the price of all meat furnished to the Troops, whether the produce of the country or imported, is affected by this measure to the full amount of the Duty.

A provisional Duty has also on this occasion been put on Flour, of 6d. sterling per barrel, in addition to the Imperial Duty of 2s.--without any exception being made in favour of supplies of this article, or other provisions included in the Act, when imported for the use of the Troops.

The Salt Meat for which I transmitted a demand on 8th May and is now I presume on its way from England, will consequently be subject to a duty of 2s. sterling per cwt.

Having perceived from the public papers that it had been stated in the House of Assembly in the course of the debates on this subject, that if the Cattle required for the use of the Troops were permitted to be imported free of Duty, the privilege would be liable to be abused for other purposes, I beg to observe that, with the co-operation of the Custom House Officers, there would I am of opinion, be no difficulty in preventing fraud on the part of the Contractors.

I have, &c.

(Signed,) W. FILDER,
C.G.

(Copy.)
No.424

DOWNING STREET,
30th August, 1845.

MY LORD,

I enclose herewith, the copy of a letter from Sir William Burnett, suggesting the importance of employing in the rebuilding of those portions of Quebec which have been destroyed by the late calamitous fires, wood prepared according to his plan.

I also enclose the copy of a letter from the Secretary of the Admiralty, forwarding Reports from Officers of the Dock Yard at Portsmouth, of the result of Experiments made by them to test the efficacy of this invention of preserving timber from ignition, together with a statement from the Secretary of the Patentees, showing the cost per load, of preparing Wood for purposes of building.

In addition I enclose the copy of a letter from Mr. Jones, suggesting the applicability of this prepared Wood to the formation of roads in the Western Division of Canada, and proposing that a portion of the sum granted by Parliament for the relief of the sufferers by the fires at Quebec, should be expended in the purchase of the requisite machinery

(24)

and its conveyance to Canada. This gentleman has lately returned to the Province, and would be prepared to afford to Your Lordship any explanation which you might require on the subject.

Considering the importance of any measure which has a tendency to diminish the risk of fires in a country in which, as in Canada, wood is extensively used for the construction of dwelling houses, I think it right to bring these suggestions under Your Lordship's notice in case you should think them a part of the sum lately voted by Parliament for the relief of the sufferers by the fire at Quebec, or for making them the subject of an application to the Provincial Parliament.

I have &c.

(Signed,) STANLEY.

Governor,
The Right Honourable
Lord METCALFE, G.C.B.
&c.&c.&c.

ADMIRALTY, SOMERSET HOUSE,
31st July, 1845.

MY LORD,

It is not without considerable diffidence that I venture to intrude myself upon Your Lordship's attention, and indeed, I should not have done so but from the hope that the great importance of the subject, in a material point of view, will prove my best excuse for troubling you.

No one my Lord can have heard of the sad calamity which has on two occasions lately befallen the inhabitants of Quebec, by the conflagration of their City, without feeling desirous of preventing this from happening a third time; and this my Lord I have much satisfaction in informing you, can be done effectually, and at a comparatively small expense.

Circumstances connected with my public duties, forced upon my attention eight or nine years ago, the possibility of preventing dry rot in timber, and mildew in canvas, &c., in which I have most fully succeeded, and my method is now employed to a great extent in the Royal Dock Yards, &c., and by private gentlemen.

In pursuing my experiments I soon discovered that my preparation possessed also very valuable properites of another nature, when the composition was employed in a more concentrated form; in short, that it rendered wood, canvas, and even the finest muslin, incapable of receiving or sustaining flame; and thus either a ship, or a house, constructed of materials so impregnated, is made incapable of being burned by fire.

Having communicated this valuable property to the Lords Commissioners of the Admiralty, their Lordships were pleased, in March, 1844, to cause the most trying experiments to be made by the Officers of Portsmouth Dock Yard, and these having fully succeeded, orders were soon after issued, that all the Bulkheads of magazines of ships of war, and the other Bulkheads below, and also the Timber of all kinds, used in the vicinity of the fires in war steamers, should be prepared with the solution in question, and to effect this purpose, there are two powerful hydraulic machines at work in Portsmouth and Chatham Dock Yards, capable of impregnating eighteen loads of timber daily.

I fear I have already detained Your Lordship too long on this subject, but I was desirous of showing you that it is no ephemeral matter I am endeavouring to bring under your notice, and I feel confident that Lord Haddington and Admiral Sir George Cockburn, or the Board of Admiralty generally, will fully confirm all I have advanced on the subject, and I shall be ready to afford Your Lordship any further information you may desire on this important business, for it is not applicable to Quebec alone, but the most of our other Colonies, though more especially to those of North America, and to any place where wood is used.

In order to give Your Lordship some idea of the value of the preparation in question, I beg to send you some pieces of Wood sawed from a large Log prepared in Portsmouth Dock Yard, with the minimum quantity required for rendering it inflammable, and also a piece of canvas, in the same state; by placing a portion of either in the flame of a candle or lamp, you will at once see the effect.

The accompanying Pamphlet will shew Your Lordship, how extensively and successfully it is used.

I have, &c.

(Signed,) W. BURNETT,
Director General of the Medical Department of the Navy.

Right Honourable
Lord STANLEY.

(Copy.)

ADMIRALTY,
14th August, 1845.

SIR,

In reply to your letter of the 9th instant, with its enclosure from Sir Wm. Burnett, I am commanded by My Lords Commissioners of the Admiralty, to transmit to you for the information of Lord Stanley a copy of a Report from the Officers of Portsmouth Yard, upon the effects of his solution applied to the purpose of preventing ignition in Timber, or rather to prevent it from breaking into flame. In consequence of that Report, My Lords have ordered the Bulkheads in the holds and magazines of Her Majesty's Ships to be fitted with Timber so saturated; and it is also applied largely to the various buildings in Her Majesty's Dockyards.

I send for Lord Stanley's further information, a copy of a statement of the price per Load, of preparing Timber for building purposes.

I am, &c.

(Signed,) W. B. J. HAMILTON

G. W. HOPE, Esq.,
Downing Street.

PORTSMOUTH YARD,
13th March, 1844.

SIR,

With reference to your directions of 1st February, to make experiments as to the degree of prevention against ignition into flame which Timber, saturated with Sir Wm. Burnett's solution, affords comparatively with Wood of the same and unprepared, we have the honour to state, that we have very carefully instituted a series of experiments on this subject, of which the following are the results.

Eleven different kinds of Timber were tried, each piece was two feet long, five inches wide, and three inches thick. Each piece was cut into two equal parts one foot long, and one part was prepared with a strong solution of chloride of zinc, (in the proportion of 1lb of chloride to four of water,) the other part was unprepared.

Care was taken, after the preparation, to endeavour to bring both to the same degree of dryness.

(25)

One of the Furnaces at the Metal Mills, in which the cakes of Copper are heated previous to rolling, was selected for the experiments. The heat of this Furnace was very great.

Kind of Timber and Result of Experiments.

African Oak--The unprepared burst into a strong flame in twenty-five seconds.

The prepared continued to resist flame for two minutes, and then a weak flame began to play gently over its surface.

English Oak--Unprepared burst into flame in five seconds.

Prepared burst into flame in forty seconds, (a small flame,) at the end of ten minutes, the unprepared was rather more consumed than the other, but the difference was not considerable.

Italian Oak--Unprepared ignited into flame in fifteen seconds.
Prepared into a small flame in thirty-five seconds.
Dantzic Fir--Both prepared and unprepared being thrust towards the hottest part of the furnace, burst into flame immediately, but the heat was considered too great for such an experiment.
New Zealand Cowdie--Placed not so far in the furnace as the above, but both immediately ignited into flame; the prepared however, burnt less fiercely than the other.
Riga Fir--Placed near the mouth of the furnace, the prepared was decidedly less inflammable than the other; it ignited into flame some time after the unprepared.
Pitch Pine--Unprepared burst into flame in five seconds, prepared resisted flame for six and a half seconds and then gave out a feeble flame.
Red Pine (Canada)--Red hot iron placed over both. The unprepared burst into flame immediately. The prepared gave no symptoms of flame, and the iron became cold without its inflaming.
Elm (Canada)--Placed in the hot pots containing the Copper cakes lately ladled out of the refining furnace.
The unprepared ignited into flame in half a minute. The prepared into a very much smaller flame in two and a half minutes.
Yellow Pine, (Canada)--Placed in the cake pots, similarly to the before mentioned.
The unprepared burst into flame immediately. The prepared was watched for twelve minutes, but burst not into flame at all.
The heat was great.
A second experiment was tried on this timber by placing red hot iron on it. The unprepared ignited immediately into flame. The prepared not at all.

It appears from the above experiments that some of the prepared Woods, (especially the Canada Yellow Pine,) have resisted ignition into flame to an extraordinary degree.

We are of opinion that Yellow Pine Timber prepared in this way Might be used most beneficially, not only for Magazine, and Light Room Bulk-heads, but also for all the Bulk-heads of a Ship. There appears to be nothing in the solution calculated to injuriously affect the health of the crew, and if by preparing Yellow Pine Timber in this way, it might be made as durable as the Timber generally used for Bulk-heads, it would be found to possess the double advantage of preserving the Timber, and of preventing its ignition into flame.

The solution used in the above experiments was about eight times the ordinary strength.

I remain, &c.

(Signed,) *R. BLAKE.*
F. STURDIE.
J. WATTS.
J. OWEN.

PORTSMOUTH YARD,
25th May, 1844.

SIR,

With reference to your Mem. 20th March last, directing me to report whether we propose that Bulk-heads should be prepared with Sir W. Burnett's solution of the same strength as that used in the experiments described in our letter of the 16th March last, that is eight times the usual strength, and if so, what would be the expense of fitting a Line of Battle Ship in that manner, also the expense of solution even of the ordinary strength, we have the honour to state that we have instituted several experiments, with a view to ascertain what strength of the solution would successfully resist ignition into flame; the following are the results:--

1st. The hard woods, such as African Dantzic, and English Oaks, are not much affected by the solution in respect of ignition into flame whatever be the strength of the solution.

2d. In the case of the ordinary strength (1 lb. of the chloride to 4 gallons of water,) the prepared and unprepared Woods are very nearly alike.

3rd. In solution of 1 lb. of chloride of zinc to 1½ gallons of water and do. to 2 do. We found that certain woods when exposed to the [illegible] of iron heated to a blood-red heat, did not at all ignite into flame, whereas unprepared wood of the same kind burst into flame immediately.

The following are the Woods:--

1 lb. to 1½ gallons of Water.
Dantzic.
Spruce.
Polish Larch.
Scotch "
Yellow Pine.

1 lb. to 2 gallons of Water.
Spruce Deal.
Polish Larch.
Riga Fir.
Yellow Pine.

The same kind of Woods were boiled in solutions of 1 lb. chloride to 2 gallons of water. Do. do.
3 do. do.

And in both cases the prepared Woods successfully resisted ignition into flame, while the unprepared burst instantly into flame.

The following is the comparative expense of fitting the Bulk-heads of the hold of a Line of Battle Ship with ordinary Timber unprepared, and with Yellow Pine and Riga Fir, prepared with solution of 1 lb. chloride to 2 gallons of water.

	£	s.d.	£	s.d.
Bulk-heads, &c. in hold, of English Oak, 3 inches thick, 2760 cubic feet, at 7s. 6d. per foot.....			966	0 0

	£	s.d.	£	s.d.
Ditto, Yellow Pine, 3 inches, 2760 feet, at 2s. 4d.....	322	0 0		
Solution.....	243	0 0		
Labour.....	12	18 0		
			577	18 0
(26)				
Difference in favour of Yellow Pine.....			£388	2 0
Bulk-heads, &c. in hold, of Riga Fir, 3 inches, 2760 cubic feet, at 3s.....	414	0 0		
Solution.....	220	0 0		
Labour.....	12	18 0		
			£646	18 0
Difference in favour of Riga Fir.....			£319	2 0

We are, &c.

(Signed,) R. BLAKE.
J. WATTS.
J. OWEN.

53, KING WILLIAM STREET,
London Bridge, 13th August, 1845.

SIR,

In obedience to your desire I beg to inform you that the cost of preparing Timber for building purposes, if it be desired to preserve it from dry rot only, will be from 9s. to 13s. 6d. per load, according to the greater or lesser absorbent properties of the wood.

But if the Timber is intended to be rendered uninflammable, the cost will vary from 25s. to 35s. per load, and it may be well to mention that unseasoned Timber is even more readily and effectually prepared than that which has been cut, the sap in green wood being firmly set by the process.

I am, &c.

(Signed.) C. JACKSON,
Secretary.

Sir W. BURNETT, K.C.H.,
&c.&c.&c.

(Copy.)

LONDON, 21st August, 1845.

SIR,

In reference to the conversation wherewith you honoured me yesterday, respecting the employment of certain proposed Woods in the rebuilding of Quebec, and the formation of Railways in Canada, I beg to state, that if it were determined to send out either Sir W. Burnett's or Payne's

Apparatus, I apprehend there would still be time to do so, previous to the departure of the last fall ships for the St. Lawrence, at the cost of about a thousand pounds; and really when one reflects on the enormous expenditure which is said to have attended the transport of a single 24 pounder, during the last American War in winter time, from Montreal to Kingston, and that the object of the present suggested outlay would be an eminent and timely, beneficent one, I would venture respectfully to press it on the consideration of Government. It is a plan indeed, which I feel so much confidence in myself, as to have the desire to undertake it as a financial speculation, if I had the funds conveniently at hand to do so.

Since writing thus far, I have been called on by the Secretary of Sir W. Burnett's Company, who says he would undertake the shipment of an Apparatus on their plan, this season, which Payne will not, as he requires three months' preparation, and says there are six prepared for the Russian Government, which it has taken twelve months to complete.

I venture no opinion on the respective merits of these rival processes, but am satisfied that either process would prevent the fibrous portions of the wood from flaming, and thus afford the required security from sudden or extensive ignition.

Should it be considered desirable to send out specimens of either, or both of the modes of preparation, to the Governor General, they can be had by reference to the respective Patentees.

The two tremendous calamities which have occurred so closely on each other at the ill-fated place in question, may be regarded as of a public nature; but a great portion of the individual settlers in the Province have to go through the ordeal of having their houses at least once burnt down, as it happened to myself some years ago, whilst at sea on my way home.

Independent of the large sum voted by Parliament here and applicable to the relief of the sufferers, both the Admiralty and the Ordnance Departments have building, and other operations going on in the Province for which the Apparatus recommended might be used.

It would be alike applicable, in all likelihood, for the construction of Railways, and especially desirable in the section of the Western District about Port Sarnia, where I reside, since there is no stone to be had even for the formation of common roads, which are now constructed of mere planks.

I have applied, Sir, the usual terms of parlance in speaking of the two appalling catastrophes in question, but after all they may eventually prove blessed events, if as I hope and trust they produce a kindly fusion of the repulsive feelings between the two races,--if the sympathy shown by their neighbours to the French portion who are the principal sufferers on the spot, and the extensive subscriptions promoted here at home, and the paternal care both of the Governor General and of your Department, all tend to create that grateful and congenial return of sentiment which may be confidently anticipated.

Your obliging condescension, Sir, has encouraged me to go into these latter details, which I trust you will excuse.

Any expense or fatigue or trouble which I may have incurred by my return from Liverpool, and change of route, will be amply repaid, if I can find that I have been of the least service in the matters herein treated.

I have, &c.

(Signed,) H. JONES, P. M.
Of Maxwell, in Sarnia, Western District.

G. W. HOPE, Esq.,
&c.&c.&c.

(Copy.)
No. 455

DOWNING STREET,
6th November, 1845.

MY LORD,

I transmit to Your Lordship copies of a Correspondence which has passed between Mr. Payne--who has invented a process for preserving Timber from decay--and this Office, on the subject of an alleged mistake which has occurred either in this Office or in Canada, in stating that one of the materials used by Sir William Burnett in his plan of preventing wood from igniting, is chloride of lime. According to Mr. Payne's representation chloride of zinc is the solution used by Sir William Burnett and not chloride of lime.

Your Lordship will be pleased to give publicity to this explanation, with the view of repairing any injury which may have been occasioned to Mr. Payne by this mistake.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G.C.B.
&c.&c.&c.

---

(27)

(Copy.)

WHITEHALL WHARF, CANNON ROW,
Westminster, 28th October, 1845.

MY LORD,

By this day's Post, I have received from Canada, a copy of the "Royal Gazette," published by authority, and dated 1st October, 1845, wherein I find two Letters from Your Lordship, bearing date Downing Street, 30th August, 1845. One addressed to the Governor and the other to the Lieutenant Governor of that Colony, recommending to the consideration of the Colonial Government the propriety of adopting the Patent process of Sir William Burnett, in preparing wood for house and ship building, as a means of diminishing the risk of fire.

This recommendation on the part of Her Majesty's Government, appears to be founded on a Report (also given in the Royal Gazette) made by certain authorities of Portsmouth Dock Yard, detailing the result of a series of experiments performed by them upon different descriptions of woods, which had been saturated with a strong solution of Chloride of Lime. I beg to be permitted to state, that the Chloride of Lime is not the material patented by Sir William Burnett, but the Chloride of Zinc. If, therefore, Her Majesty's Government meant to recommend the adoption of Sir William Burnett's process, and which process, he in his letter to Your Lordship, (also given in the Royal Gazette,) states the Govern-

ment were employing extensively in the Dock Yard here, it is evident the above Report must lead the Colonial Government into error; the Chloride of Lime being the material used and recommended in it, and not the Chloride of Zinc, the latter being Sir William Burnett's Patent. That the Chloride of Lime is effective in diminishing the tendency to combustion in wood, I do not doubt, and it forms one of the principal ingredients used and patented by me in my process, but certainly it forms no part of Sir William Burnett's Patent, and may be used singly by any person choosing to do so.

If used singly however, although effective in arresting the progress of fire, there is one serious and well known objection against it, namely its extremely deliquescent nature, causing continued damp--an objection evidently fatal to its adoption in this state, for either house or ship building purposes. This objection is removed by my Patent, my process being in using this Salt, to combine with it a metallic Salt, and thus create a new and insoluble compound, equally protective against fire, and free from the objection of being any longer deliquescent.

Having thus brought these facts under Your Lordship's notice, it remains for you to adopt such measures as, under such circumstances, you may deem proper, and as may be best calculated to carry out the wise and humane intentions of Her Majesty's Government, in directing the attention of the Colonial Government to the adoption of some means for ameliorating, if not entirely preventing, the frightful consequences attendant on fires in these portions of the British Possessions.

And I have made aware of Her Majesty's Government having instituted inquiries on this subject, and directed experiments to be gone into, I would not have failed respectfully to have claimed for my process a full and searching investigation, the result of which I presume to think, could not have been otherwise than satisfactory. These experiments however appear to have been confined simply to a process, supposed to have been that patented by Sir William Burnett, Physician General to the Navy, nor does any step appear to have been taken to ascertain whether the important object in view could have been obtained more effectually by any other means.

I therefore beg respectfully to ask of Your Lordship, to cause inquiry to be immediately made with reference to the statement I have herein submitted, and further that Your Lordship will give instructions to such competent parties as you may think fit, to investigate, and report upon my process, particularly as to its effectiveness for the object now contemplated; and in making this last request, I ask the favour of Your Lordship's perusal of Mr. Richard Phillipp's Report to the Commissioners of Her Majesty's Woods and Forests, copy of which I enclose.

Hoping to receive an early communication on this subject,

I have, &c.

(Signed,) CHARLES PAYNE.

The Right Honourable
Lord STANLEY, &c.&c.&c.

(Copy.)

MUSEUM OF ECONOMIC GEOLOGY,
20th September, 1842.

MY LORD AND GENTLEMEN,

I have, by your direction, and with assistance of Mr. Payne, submitted to numerous experiments his process for preserving Timber from decay.

This method consists in depriving wood of its air, by an exhausting process, causing it then to absorb a solution, and afterwards forcing into it another solution, which shall so act upon the first contained in the pores of the wood as by chemical decomposition to impregnate it with a solid material, and such as it is presumed will be efficacious in preventing its decay.

In order to prepare for the more direct experiment, it appeared to me to be proper to determine whether the process proposed by Mr. Payne is such as to ensure the penetration of the Timber by the solutions which he employs. With this view, a block of wood was immersed in water for twenty-four hours, and on weighing it at the expiration of that time it was found to have absorbed less than seven per cent of water; whereas a block of similar timber, submitted for only ten minutes to Mr. Payne's exhausting and forcing process, gained upwards of fifty per cent of water. Being thus satisfied that it is easy to penetrate Timber with a liquid to a great extent, I afterwards tried repeated experiments with Mr. Payne's decomposing process with some of the various solutions contemplated in his Patent; which of these it would be better to employ, it would require experience to determine. I found, however, that it would be easy to deposit eight per cent of solid, and presumed protecting matter, in the body of the Timber.

This was determined by subjecting the Wood, after impregnation, to a very high temperature, and afterwards weighing from time to time during ten days.

Time only can determine whether any substance thus introduced into Timber, can preserve it from decay, and there is much evidence in favour of the actual existence of such protecting power; and I am of opinion that Mr. Payne's plan will probably prove the most efficacious that has hitherto been proposed, on account of the great penetration which it effects, and the insolubility attending much of the matter introduced.

I therefore take the liberty of adding, that should you contemplate the use of any preservative material, Mr. Payne's process is, in my opinion, well worthy of being submitted to the test of experiment on a considerable scale, and I may add that some of the substances employed by him diminish the combustibility of Timber to a very considerable degree.

I have, &c.

(Signed,) *R. PHILLIPS.*

The Commissioners of
Her Majesty's Woods and Forests,
&c.&c.&c.&c.

---

(28)

(Copy.)

DOWNING STREET,
5th November.

Sir,

I have laid before Lord Stanley your letter of the 28th ultimo, and

I am directed by His Lordship to state, in answer, that he is unable to inform you by what means it has happened that, in the Report published in Canada, suggesting the application of Sir William Burnett's invention for preventing wood and other articles from becoming ignited when in contact with fire, the solution of Chloride of Lime should have been represented as one of the materials used in his process, instead of Chloride of Zinc.

His Lordship will regret if any prejudice has been occasioned to your interests by this mistake in the publication in Canada of Sir William Burnett's invention, and will be happy to remedy the inconvenience, if any, by transmitting to the Governor General of Canada copies of this Correspondence with you.

I have, &c.

(Signed,) G. W. HOPE.

CHARLES PAYNE, Esquire,
&c.&c.&c.

No.456

DOWNING STREET,
15th November, 1845.

Seamen. MY LORD,

I have to acknowledge the receipt of Your Lordship's Despatch No.308, of the 5th of July last, enclosing the copy of a Memorial which you had received from the Masters and owners of British Ships trading to Quebec, suggesting the adoption of certain remedies for the inconvenience to which they are at present subjected by the constant infringement by their seamen of the engagements into which they have entered previously to quitting this country.

Her Majesty's Government entertain no doubt of the existence of the evil complained of, to a considerable extent, and they think it advisable that some measures should be adopted for checking the practice of desertion.

The remedies suggested by the Memorialists are as follows:--

1st. That every Ship-owner sending a new vessel from Canada to the United Kingdom should be compelled previously to import two-thirds of its complement of sailors.

2. That the seamen in Canada should be registered, and that the Masters and Owners of Provincial vessels proceeding to sea, should be prohibited from taking to sea any seaman, without a ticket of registry (it is presumed either British or Canadian).

3. That until this Law be passed, vessels of the United Kingdom proceeding from Canada should be relieved of the restrictions as to taking seamen without a registered Ticket.

With regard to the first of these proposed remedies, Her Majesty's Government would be unwilling to recommend so novel a restriction on ship builders of Canada to be imposed by the Imperial or even by the Provincial Parliament, until other available means had been tried to prevent desertion.

In the first instance, it would be better to try the second remedy proposed, which, although it might not prevent desertion altogether, would, at least, it is conceived, materially check it.

You are therefore at liberty to invite the Canadian Legislature to pass a law establishing a system of Registration of their own seamen, and prohibiting Masters, &c., of vessels proceeding from Canada, from engaging seamen without either a Canadian or Imperial Register Ticket.

Despatches. *With respect to the third proposition, Her Majesty's Government entertain great doubts whether the complaining parties in Canada, and probably the authorities there, have not placed an inaccurate construction upon the Merchant Seamen's Act, by erroneously supposing that it prohibits the engagement in Canada of seamen without a Register Ticket, by Masters, &c., of Ships registered in the United Kingdom.*

The Law Officers of the Crown having been consulted on the subject, they have reported their opinion, that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from Canada, Quebec, or any other Colonial Port.

I enclose a copy of that opinion for your information, and for the guidance of the Provincial authorities.

I have, &c.

(Signed,) STANLEY.

"We are of opinion that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from Canada, Quebec or any other Colonial Port."

(Signed,) F. THESIGER,
F. KELLY.

"For the consideration of the Counsel of the Admiralty."

"I agree in the above opinion."

(Signed,) RICH. GODSON.

"18th October, 1845."

The Right Honourable,
Lord METCALFE, G.C.B.,
&c.&c.&c.

(Copy.)
No.457

DOWNING STREET,
15th November, 1845.

MY LORD,

Rail Roads. *I have to direct Your Lordship's attention to the following remarks on an Act passed by the Legislature of Canada during their last Session, distinguished in the records of this Office as No.232, and entitled, "An Act to Incorporate the St. Lawrence and Atlantic Railroad Company."*

The 38th section, which fixed the maximum rates which the Company are to charge for the carriage of passengers and goods, gives them power to alter all or any of those rates so long as they keep within the maximum. A similar power is given to Railway Companies in this country by the 90th section of the Act 8th and 9th Victoria, chap.20; but, lest that power should be abused for the purpose of prejudicing or favour-

ing particular parties, or of collusively creating a monopoly, a proviso is introduced, that the same charges shall always be made upon all persons, and upon all goods, under the same circumstances. A similar precaution ought to be adopted in the present case.

But the 50th clause is open to a more serious objection. It gives power to the Company to take possession of such parts of the Rivers St. Lawrence and Richelieu, or of any other rivers which may be required for the use of the Railway; but there is no provision (except a partial one in respect of the Richelieu) for preventing the erection of works which might injure the navigation of either of those rivers.

It would be very desirable that Your Lordship should obtain an amendment of these clauses, more especially the latter; and in the mean time, Her Majesty's decision upon the Act will be suspended.

I intend to transmit to Your Lordship, shortly, copies of the General Railway Acts, and of the proceedings of the Government Railway Department,

(29)

for the information of the Provincial Legislature in their deliberations on this subject.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE
&c. &c. &c.

(Copy.)

DOWNING STREET,
18th November, 1845.

MY LORD,

Harris' Divorce. *In reference to the correspondence enumerated in the margin, on the subject of Mr. Harris' Divorce Bill, I have now to communicate to Your Lordship the accompanying copy of a Report from the Law Officers of the Crown, from which it appears that if the Bill were confirmed by Her Majesty, the Courts of Law in this Kingdom would not consider such an Act as a valid divorce but that Mr. and Mrs. Harris would still retain, in point of Law, their conjugal relation towards each other within this Kingdom, and whersoever else beyond the limits of Canada the Law of England prevails.*

18th Nov. '45.
- *Lord Metcalfe, Despatch No. 278 Of 21st May, 1845.*
- *Lord Stanley, Despatch No. 410 Of 4th Aug. 1845.*
- *Lord Metcalfe, Despatch No. 345 Of 3d Sept. 1845.*

Under such circumstances it will of course be impossible that Her Majesty in Council could be advised to confirm and finally enact this Bill.

I have, &c.

(Signed,) STANLEY.

The Lord METCALFE,
&c.&c.&c.

(Copy.)

DOCTOR'S COMMONS,
November 18th, 1845.

MY LORD,

We are honoured with Your Lordship's commands signified in Mr. Hope's Letter of the 15th instant, stating that he was directed to transmit to us a Bill passed by the Council and Assembly of Canada to dissolve the marriage of Henry William Harris, Esq., also to transmit copies of the correspondence which has taken place on the subject of that Bill, between Your Lordship and the Governor General of Canada. That the result of that correspondence is to show that Mr. and Mrs. Harris were married in Canada in the year 1832--that he was at that time residing there as an Officer attached to his Regiment, the act of Adultery on account of which the parties have been divorced was apparently committed in Canada,--that Mr. Harris had not other domicile there than such as attached to him in his Military capacity,--that in the 1841, Mr. Harris returned with his Regiment to the United Kingdom, and has not since resided in Canada,--that Mrs. Harris also quitted Canada for the West Indies,--that the Bill of Divorce was passed in March 1845 and during the absence of both parties from the Province.

That Your Lordship further directed Mr. Hope to request that we would report our joint opinion whether if this Bill should be confirmed by Her Majesty, the Courts of Law in this Kingdom would consider such an Act as a valid divorce within this Kingdom of Mr. and Mrs. Harris, and whether notwithstanding the Act, they would not within this Kingdom and elsewhere beyond the limits of Canada,still retain, in point of Law, their conjugal relation towards each other.

In obedience to Your Lordship's commands we have the honour to report that as the parties were not domiciled in Canada at the time of the passing of the Act for the dissolution of the marriage, we are of opinion that the Courts of Law in this Kingdom, would not, if such Bill were confirmed by Her Majesty, consider such an Act as a valid divorce.

We further think that Mr. and Mrs. Harris would, notwithstanding such Act, retain in point of Law their conjugal relation towards each other, within this Kingdom, and wheresoever else beyond the limits of Canada the Laws of England prevail.

We have, &c.

(Signed,) J. DADSON,
FRED. THESIGER.
FITZROY KELLY.

The Right Honourable
LORD STANLEY,
&c.&c.&c.

(Copy.)
No. 1.

DOWNING STREET,
30th December, 1845.

MY LORD,

British plantation vessels.

I have the honour to transmit to Your Lordship therewith, an Order made by Her Majesty in Council

on the 23d instant, leaving to its operation an Act passed by the Legislature of Canada, No. 212, to secure the right of property in British Plantation Vessels.

The last clause, however, enacts that this Act shall cease if at any time the Imperial Act 3 and 4, Will. IV. chap. 55, entitled, "An Act for the registering of British Vessels," shall be extended to vessels navigating the Inland Waters of the Province of Canada. This Act having, however, been repealed by the Act 8 and 9 Vict., chap. 89, it would be desirable that the original Act, No. 212, should be amended by introducing the words "or any other Act for the Registering of British Ships." immediately after the words "the Act of Parliament," (viz.: 3 and 4, Will. IV. c. 55,) entitled "An Act for the Registering of British Ships."

I have &c.

(Signed,) W.E. GLADSTONE.

Lieut. General
The Earl CATHCART
&c.&c.&c.

(Copy.)
Circular.

DOWNING STREET,
15th January, 1846.

MY LORD,

Railways. I find that the impulse which has been given in every other part of the civilized world to plans of Railway communication[62] has been felt in many of the British Colonies. The subject has been pressed on my attention from many different quarters and under circumstances both physical and economical as distinct and as various as are the conditions of those widely extended settlements.

To attempt to lay down any one set of rules or even a single rule binding inflexibly on the Executive Governments of them all, would obviously be futile and impracticable. But the experience of this country has ascertained some general principles on the subject, the application of which is neither transitory nor local, but which, it may now be presumed are applicable in various degrees to the legislation of every country in this new field of inquiry. The object of the Despatch is to state, compendiously, what those rules or principles are.

(30)

It will, however be convenient that you should be in possession, in the utmost practicable detail, of all the provision which have been established, either by positive Statutes, or by standing orders of both Houses of Parliament for the more effectually preventing the evils and securing the advantages incident to the creation of new lines of Railway in this country. I subjoin a list of the various documents of this nature which accompany this Despatch. You will of course find in them much which could not be applied to the circumstances of the Colony under your Government. But you will also find much which will greatly abridge the labour of drawing up any Railway Acts and much which embodies in a small space the results of long and laborious investigations and of very costly experiments.

But whatever may be the utility or inutility of such details, I revert to the most general topic which has been already mentioned.

1st. Then it is necessary that it should be expressly stipulated in the formation of every Railway Company, that the Legislature shall be free by any future enactments to repeal, alter or amend any part of the original grant without being responsible on that account, to provide compensation or indemnity to the Shareholders. It is, of course, assumed that in the exercise of this reserved authority, the Local Legislature will always respect the obligations of justice and sound policy. But to attempt once for all to enact a law of this kind which is thenceforward to remain unchangeable unless the concurrence of the Shareholders can be obtained or purchased, would be to subject society at large to all the hazards of what must, at first, be a precarious and doubtful experiment.

2nd. You will regard it as an indispensable preliminary to the enactment by Her Majesty of a Railway Bill, that of the proposed Capital one-tenth at least should have been actually invested in good and available securities for the prosecution of the work.

3rd. Every Railway Bill ought to contain provisions for the conveyance of the Royal Mails. The object of such provisions should be to secure moderation in the charges of conveyance, and to afford the utmost possible facility for the effectual discharge of this branch of the public service. Reference may be made on this head to such sections of the Imperial Railway Acts as relate to it.

4th. Every such Bill should also contain all necessary provisions to insure the prompt and punctual conveyance of Her Majesty's Forces, whether belonging to the Regular Army or to the Militia, and of all Policemen, Constables, or others, travelling on Her Majesty's service. Rules of this nature will be found in the accompanying Acts of Parliament.

5th. In the contingency of Electrical Telegraphs being established on any line of Railway, provision should be made for a proper controul and superintendence of them, according to the terms or spirit of the section of the Act of Parliament on that subject.

6th. The Statute 7th and 8th Victoria, chap.85, sect. 1, contains a provision respecting the revision of the scale of Tolls on Railways, and the fixing a new scale in cases where after 21 years the profits shall have exceeded 10 per cent. The principle of this clause, with the substitution of 15 per cent. for 10, and of seven years for three, as the basis of the average to be calculated, ought, I apprehend to be adopted in every Colonial Railway Act.

7th. The second section of the same Act contains provisions for the purchase if it shall be thought fit, by the State, after a certain lapse of time, and on the terms there prescribed of any Railway. In substance such a provision should form a part of any Act which may be passed in the Colony under your Government.

8th. The fifth section of the same Statute contains a provision for the keeping and the inspection of the accounts of Railway Companies, which, with the necessary variations of form, should, I think constitute an integral part of every Railway Bill which may be passed in any British Colony. It is however material that you should observe with respect to

the three last provisions, that they are not intended to rule affirmatively by anticipation the questions to which they relate, or in any manner to prejudge the policy of the purchase of any Railway by the state. They have been prompted by the belief that the Railway system is still in a great degree an infant system, and that it is impossible accurately to predict the accompaniments and effects of its maturity, or to measure the exigencies which it may create. It has therefore been thought wise to take the best general guarantee of which the circumstances will admit by keeping the field open for the free exercise at a future day, of the discretion of the Legislatures, and to prevent the growth of any notion of constructive or prescriptive claim on the part of the Companies to retain without reference to public interests, as they may hereafter stand, their original position.

9th. You will find in the accompanying Acts various provisions which have the public safety for their immediate object. Some modifications of them will, of course, be requisite to meet peculiar local exigencies, but enactments of this kind very carefully considered, are essential to all good legislation on the subject.

10th. In those Colonies in which Representative assemblies exist and where the population is numerous there will, I trust, be an adequate security both for the protection of private right, and for preventing any improper favour being shewn to the interests of persons possessing peculiar local influence. In other Colonies the security against abuses may be less perfect and the duty of vigilance on the part of the Executive Government to prevent them, may be the more urgent. It is a duty, for the effective discharge of which, the Governor of every such Colony will consider himself as peculiarly responsible.

Such appear to me to be the main general principles or provisions which ought to be embodied in any Railway Act which may be passed in the Colony under your Government.

You will perceive that my general object in framing them has been to leave the freest scope to private and associated enterprize by the avoidance of all minute interference, and at the same time to take some simple securities for testing the solidity of projects-- for guarding against risk to life--and for guaranteeing to the public service from the first, a fair share of the advantages of the construction of any Railway, and to the State as the representative of the public the means of dealing with future contingencies. But I do not venture to insist even on these provisions as absolutely indispensable, in every Colony and in every Railway Act. I am too well aware of the diversity of circumstances prevailing in the various dependencies of the British Crown, to attempt so to fetter the discretion of the local Governments, or so to impede the free exercise of the discretion of Her Majesty's confidential Advisers. The practical purpose which these Rules may serve is as follows:--It will not be necessary to reserve for the signification of Her Majesty's pleasure any Railway Law which satisfies all these conditions. On the other hand, any Railway Law framed in neglect or disregard of them must be so reserved. In transmitting any Railway Law for the signification of Her Majesty's pleasure, you will distinctly point out to what extent these Rules have been followed or neglected, and what are the reasons which, in any such case of neglect, are supposed to justify or to have occasioned it. On the other hand, it may happen that in particular instances

(31)

Companies may desire to accredit their schemes by soliciting a larger measure than I have proposed of the intervention of the Government. I do not object to the guarded extension of that intervention even beyond what the Legislature of the Colony under your administration may generally require, if it be with the active concurrence of the parties and without expense to the public. For example it may happen that parties may desire to submit their projects to the examination of officers appointed or approved by yourself for the purpose. In such a case, or in any which you may judge to be analogous to it, I leave to your own unfettered discretion.

I have, &c.

(Signed,) W.E. GLADSTONE.

The Governor of Canada,
&c.&c.&c.

P.S.--Lest the language in which my first recommendation is couched should be liable to an exaggerated construction, I beg to apprize you that it is intended only to recommend a provision strictly conformable to that of the 26th clause of the Model Railway Bill of 1845, and in no degree to go beyond the spirit of that provision.

List of Enclosures.

No. 1.--Volume of Reports of Committees and of General Railway Acts.
2.--Standing Orders of both Houses of Parliament relating to Railways.
3.--Railway Clauses Consolidation Act, 1845, 8 and 9 Vic., c. 20.
*4.--Model Bill of 1845.
5.--Volume of Public General Acts for the Regulation of Railways.

*N.B.--No. 4. It has been impossible to procure a copy of this Act, but the Clause to which the Secretary of State refers in the P.S., may be seen at p. 48 of Reports of the Committees--Enclosure No. 1.

(Copy.)
No.18

DOWNING STREET,
3d. February, 1846.

Customs' Duties Act.

257. Apl. 25, '45
258. Apl. 25, '45
268. May 6, '45
271. May 9, '45
281. May 23, '45

MY LORD,

The several Despatches enumerated in the margin I acknowledge and propose to answer together, because they are all referable to the same common subject of the Act of the Canadian Legislature of the 17th of last March, cap. 3, for granting Provincial Duties of Customs.

This Act stands for the signification of Her Majesty's pleasure, and I am not able until an amendment shall have been introduced into it to advise Her Majesty to allow it.

It involves two principles of great importance, the first directly, and the second virtually.

The first is the distinction between goods sea-borne, and goods otherwise imported. On this subject I need simply refer you to what I have stated in regard to the proposal to levy inland countervailing duties upon goods generally. I am not, Your Lordship will perceive, precluded by a difficulty arising upon this part of the measure from advising its allowance, but I also find that for the duty of 5 per cent. which has heretofore been payable upon leather and leather manufactures imported into Canada, rated imposts have been substituted, which appear to range generally from 10 per cent. up to 25 or 30 per cent. ad valorem. In some cases a distinction is taken in favour of sea-borne articles--in others the application of the duty is uniform.

Her Majesty's Government are not prepared to assent to the imposition on such British goods as are ordinarily sent to Canada from the United Kingdom or from a British Possession, of rates of duty substantially higher than those which are levied under the previous Provincial Customs' Act, although they take no objection to the substitution, for duties ad valorem, of such fixed amounts as may be considered on the average equivalent to them. Your Lordship will consider this as their fixed decision, and will make it known accordingly. An amendment of the Act, to bring it into conformity with this decision is indispensable.

Her Majesty's Government would very reluctantly consent to an increase of the duties upon Foreign goods when imported by sea into the British Colonies, as they stood before the passing of the Act now under consideration.

If it be possible to consider the inland carriage as a matter rather for adjustment in the Province than as raising an Imperial question in which the particular Colony can only be regarded as a portion of an Empire animated by a central and single principle of action, it is not possible, in the judgment of Her Majesty's Government, to extend this view to Maritime Commerce, without the risk of great inconvenience.

Any increase, however, of the kind to which I refer must not only be specifically and avowedly laid upon Foreign goods and upon Foreign goods alone, when the article is one likewise produced in the United Kingdom or in the British Provinces, and entering into the Trade between them and the Province of Canada, but must likewise be supported by strong and special considerations to be stated for the information of the Government. Whatever influence of persuasion Your Lordship can exercise, you will employ for the purpose of recommending an adherence to the commercial principles of the Circular of my predecessor, dated 28th June, 1843, or at the least of moderating the disposition to call for augmentations of differential duties upon Foreign productions.

I could have wished to find in this Act the usual exemption from duty of supplies required for Her Majesty's Forces.

Your Lordship will endeavour to procure the adoption of such provision, together with the amendment to which I have above adverted, as indispensable.

I have, &c.,

(Signed,) *W.E. GLADSTONE.*

Lieut. General
The Earl CATHCART, K.C.B.
&c.&c.&c.

Despatches to be printed. *Ordered, That two hundred and fifty copies of the Despatches be printed in each of the English and French Languages for the use of the Members of this House.*

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Papineau,

Select Standing Committees. *Resolved, That Select Standing Committees of this House for the present Session, be appointed for the following purposes, viz.:--*

1--ON PRIVILEGES AND ELECTIONS.
2--ON EXPIRING LAWS.
3--ON PRIVATE BILLS.
4--ON STANDING ORDERS.
5--ON PRINTING.
6--ON CONTINGINGENCIES.

which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and to report from time to time, their observations and opinions thereon,

(32)

with power to send for persons, papers and records.

Committee to prepare lists. *Resolved, That a Select Committee of eleven Members, composed of the Honourable Mr. Attorney General Smith, the Honourable Mr. Baldwin, the Honourable Mr. Aylwin, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Moffatt, Mr. Gowan, Mr. Colville, Mr. Leslie, Mr. Macdonald of Kingston, Mr. Chauveau, and Mr. Meyers, be appointed, to prepare and report with all convenient speed, lists of Members to compose the six Standing Committees ordered by this House.*

Library. *Resolved, That a Standing Committee of six Members, composed of the Honourable Mr. Morin, the Honourable Mr. Solicitor General Sherwood, Mr. Boutillier, Mr. Hale, Mr. Taché, and Mr. Macdonald of Kingston, be appointed, to assist Mr. Speaker in the direction of the Library, to which shall be referred all matters relating thereto, with power to report from time to time.*

Lower Canada Notarial Deeds Validity Bill. *Ordered, That Mr. Solicitor General Taschereau have leave to bring in a Bill to remove all doubts as to the validity of certain deeds, instruments and documents, executed before Notaries in Lower Canada, and to secure the rights, titles and interests of all persons concerned therein.*

He accordingly presented the said Bill to the House,[63]

MR. SOL. GEN. TASCHEREAU said that he introduced this bill in consequence of difficulties that had arisen from the Union of the Provinces in regard to Notaries in Lower Canada. Since the Union, Notaries have styled themselves in some documents "Notaries of the Province of Canada," this expression has been held illegal by the Courts of justice and documents containing it have been rejected[64] to the great injury of parties

therein concerned. It was to declare the validity of these acts and to provide for such errors in future[65] and to come to the aid of parties who have so suffered, that the bill was intended. (Hear, hear.)[66]

(32)

and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Trafalgar, Esquesing, and Erin Road Bill. — *Ordered, That Mr. Chalmers have leave to bring in a Bill to incorporate certain persons as the Trafalgar, Esquesing and Erin Road Company.*

He accordingly presented the said Bill to the House.[67]

MR. BALDWIN said, that the petition was referred to a Committee and then they reported, and the bill was there introduced; it was thought that the Committee ought not to report by a bill, but that the petition should be referred to committee on private bills.[68]

MR. AT. GEN. SMITH said, hon. gentleman was perfectly correct as to the course of procedure adopted last session and it must be manifest that it is a very convenient mode of procedure if only to see that the rules of the house were accorded with.[69]

(32)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Simple modes of assurance &c. Bill. — *Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill for the substitution of more simple modes of assurance in lieu of fines and recoveries.*

He accordingly presented the said Bill to the House,[70]

MR. AT.GEN. DRAPER intended to do away with certain difficulties existing in Upper Canada, in cutting off entails accidentally made. The passage of the Act, of 1834, had placed the law in an anomalous position, for while it left the levying of a fine and the suffering of a recovery necessary in these cases, it took away the means of so doing. From error in the wording of Wills, many leases were devised "entail" and the heirs upon proceeding to sell found themselves barred from so doing. The Bill also provided for the cutting off entails regularly imposed. Marriage settlements were beginning to be made in Upper Canada, and he thought it wiser to lay down some regulation, with regard to them at once, than to wait until abuses had actually sprung up; the Bill supplied these.[71]

MR. BALDWIN said that in the archives of the Crown Office one or two cases of fine and recovery would be found, but they were of ancient date. The law of 1834 had prevented the possibility of that proceeding now; he agreed to the necessity for the Bill. While he was upon the subject he would ask the hon. Attorney General whether he had made any provision regarding the leases of holders entail being binding upon the heirs entail.[72]

MR. AT. GEN. DRAPER said the subject had not escaped his observation, and he hoped to bring it before the House in connection with leases made by Ecclesiastical Corporations. The latter subject however was one surrounded by many legal difficulties arising out of their present constitution. He wished the House therefore to understand that although the subject was under consideration, he did not pledge himself to bring it forward.[73]

(32)

and the same was received and read for the first time, and ordered to be read a second time on Friday the third of April next.

Conveyance of real property Bill. *Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to facilitate the conveyance of real property in Upper Canada.*

He accordingly presented the said Bill to the House,[74]

MR. AT. GEN. DRAPER: The hon. gentleman explained that this Bill was founded upon one recently passed by the Imperial Parliament, and would be found in a great measure identical with it. Its object was to simplify conveyance of Real Estate, to avoid that verboseness which conveyancers had hitherto found necessary for security of title, and to effect in a few words what had heretofore occupied as many folios. It would make every conveyance part and parcel of this Act, in this manner - if the deed said for instance "with convenants for further assurance," the Bill enacted that his phrase should be held to mean all the several securities specified in the Schedule attached to the Bill wherein those convenants were set forth at length; and in the same manner as regarded other convenants the full interpretation of which were included in the same. The great advantage of this measure would be also found in registration of deeds at length.[75]

(32)

and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Sherwood of Brockville, seconded by Mr. Woods,

Entries in journals read. *Ordered, That so much of the entries in the Journals of the last Session, as relate to the Petition of John Reid and Robert Shepherd, of the City of Montreal, together with the Report of the Select Committee thereon, be now severally read.*

The said entries were read accordingly.

MR. SHERWOOD moved that the house resolve itself into Committee of the whole house on Tuesday next,[76] he remarked that the members of the Committee last Session had taken a great deal of trouble with this Petition, and at the suggestion of the Attorney General East no further action was taken on the matter, and he felt it his duty to make the present motion.[77]

MR. AT. GEN. SMITH said that this was an affair in which the Board

of Works was concerned or those persons who had fallen into the control of it after it had been under the superintendence of Commissioners. He wanted it placed over to a late day because as the passages were very voluminous, and he had not had time to investigate the questions, but in allowing the matter to be referred to a Committee of the whole house, he wished it to be understood that the Government did not feel itself pledged to recommend the claim.[78]

MR. BALDWIN was not sure whether this was one of those cases in which last session he had objected to a reference to a select committee as calculated to relieve the administration of its responsibility, and to cause great embarrassment both to it and to this House. He had objected to several references of this kind. He hoped the hon. gentleman opposite would request the postponement of the present motion. What would be the consequence? First, you get a report from a select committee. Then you proceed another step and get an expression of opinion from the House. When once you proceed irregularly, you get into difficulties from which you cannot extricate yourselves.[79]

MR. AT. GEN. SMITH: The subject has undergone much discussion, but no rule has yet been adopted. He (the Atty. Gen.) thought that the practice in England admitted these references to a select committees regarding old transactions which had occurred under former Governments; it was impossible for the Government to dive into archives to get evidence as to these transactions fifteen or twenty years old. The Government was not bound by the report of a select committee, but after such report it was its duty to be prepared to state what it would do. No specific rule had been determined last session, and it was time that some understanding should be come to.[80]

MR. BALDWIN was aware that last session, as now, the hon. and learned Atty. Gen. for L.C. had attempted to draw the distinction which he had described, but he (Mr. B.) could not see its force. All claims are upon the Government of the country, and no matter what gentlemen may compose the administration, they must be prepared to admit the claim if just. There may be reasons for delay in case of an old claim; the administration may say that it has had no opportunity of examining into facts, but that is no reason for the House taking it up. If such a course is pursued, it will lead to inevitable embarrassment. If you refer to a select committee, get a report and then have it adopted by the House, where, he would ask, is the responsibility of Ministers? They were divested of their functions and the matter thrown into a popular assembly, which leads to constant jobbing. The investigation should be made by the Government, who are alone able to come to a just conclusion. If any one has a just claim, it is for the Government to consider it. A case may be made out for delay, which he (Mr. B.) would be always ready to give, but every one knew that by referring to special committees you only get an ex parte report.[81]

MR. GOWAN: I think I can put the hon. and learned gentleman in possession of certain facts which will induce him, I am sure, not to resist the motion. The matter originated in the House of Assembly of Upper Canada, where, I will acknowledge there was great jobbing going on. I

had the honor to have a seat in that Parliament. The works were commenced and carried on by the Parliament, without the sanction of the Executive Government. The Commissioners were appointed by the Parliament. If a debt still exists it ought to be examined. It was contracted before the principles of Responsible Government were conceded. The measure originated in Parliament, was carried by Parliament, and the Commissioners were appointed by the Parliament.[82]

MR. BALDWIN had no opinion to offer on the claims of the persons interested; he merely wished to preserve order in the proceedings of the House.[83]

MR. SHERWOOD, of Brockville, rose again, and said, if he thought it would embarrass the Government he would not introduce the matter to-day. He did not, however, think that they could be any further pledged by allowing it to be referred to a committee of the whole House than they are already.[84]

MR. COLVILLE said the course recommended by the leader of Her Majesty's opposition would be very convenient for the gentlemen on the Treasury Benches, and for those who expected to be there; but he regarded it as utter denial of justice to the people of the Province. A strong Government, such as Mr. Baldwin was once at the head of, might reject the claims of parties, and they would then have no redress.[85]

MR. MOFFATT would like to know from the hon. Mr. Viger what means of ascertaining the justice of claims, a committee could have superior to those in the reach of the Government (hear, hear.) he, (sic) Mr. Moffatt thought that the Government were bound to investigate all claims before they came down to the house, did they not admit a claim there was no denial of justice for the parties might still apply to the house.[86]

MR. PRICE would ask are not the Government prepared with their estimates, do they know what is required - if so, how can they allow any claim that may be made to go before the house; by that course a great deal more might be granted that (sic) there would be means to meet.[87]

MR. AYLWIN: There is a great distinction between the rule in force here and that at home; in Great Britain it is a rule of the House of Commons, and therefore can be repealed by that house, but here it forms part of our Constitution, and we cannot repeal it, the law has said that no money can be granted by this House, except on the recom-mendation (sic) of Her Majesty, the reason of this enactment was to put down, what was called in the neighboring Republic log rolling, and which formerly existed to a great degree in this colony, as is fully shown in Lord Durham's Report. Hon. gentlemen ought to endeavour to carry out the law, the member for Beauharnois, should be the last man to make the observation that he did, for the object is to carry out the practice that is in force in England.[88]

MR. SHERWOOD then withdrew his motion.[89]

(32)

A Member attends in his place by order.

According to order, Louis Lacoste, Esquire, Member for the County of Chambly, who was absent on the twenty-first, twenty-third and twenty-fourth

instant, from the Select Committee appointed to try the merits of the [illegible] of James Durand, Esquire, complaining of the undue Election and Return of James Webster, the Sitting Member for the West Riding of the County of Halton; and was further absent on the twenty-first, twenty-third, twenty-fourth and twenty-fifth instant, from the Select Committees appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament; and of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, attended his place in this House.

Mr. Lacoste. *Mr. Lacoste rose in his place, and having given satisfactory reasons for not being present at the meeting of the said Select Committees, and having verified the same upon oath,*

On motion of the Honourable Mr. Aylwin, seconded by Mr. Christie,

Excused. *Resolved, That Mr. Lacoste having given satisfactory reasons for not being present at the meetins of the Select Committee for the trial of the contested Election for the West Riding of the County of Halton, on the 21st, 23rd and 24th instant; and at the meetings of the Select Committees for the trial of the contested Elections for the Counties of Middlesex and Oxford, and having verified the same upon oath, he be now excused for such non-attendance.*

Members called and do not appear. *Mr. Dickson, Member for Niagara, and Mr. Bertrand, Member for the County of Rimouski, having been severally called, according to order, did not appear.*

County of Oxford election. *The Order of the Day being read, for taking into consideration a motion made on the twenty-fourth instant, viz:--"That the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, having been unavoidably reduced to less than nine Members, and having so continued for the space of three sitting days, is dissolved."*

The House proceeded accordingly to take the said motion into consideration.

And the said motion being again read, and debates arising thereupon,[90]

MR. SMITH of Frontenac moved, seconded by MR. G. MACDONELL of Dundas that the select committee on the Oxford contested election committee be discharged as the number has unavoidably been reduced below nine.[91]

MR. BALDWIN rose and said, The remarks which he had made on this subject on the former occasion, would be in the recollection of the House. The more he had thought of it the more he had been convinced that he was right, viz: that the joint action of the House in declaring a member

of a committee disqualified, and the death or resignation of a member death (sic) were causes of unavoidable "absence." He (Mr. B.) did not, however, agree with the construction which the Hon. Attorney General West put on the following sentence "and shall so continue for the space of three days," I think that death, having ceased to be a member of the House, and leave of the House, are the only unavoidable causes of absence. If it were the intention of the Legislature that if three members absented themselves for three successive days, the committee was dissolved, why did they not say so! But they have not said so. I look upon this proceeding matter with very great alarm, as was said on the last occasion when party spirit ran high three members might absent themselves from the committee and defeat the ends of justice. I have looked into the English books and there cannot be found any precedent for such a course; they are so careful of election committees that on one occasion, when the committee was reduced to nine they enacted a special act to prevent its dissolution if the third member died. If difficulties like these are thrown in the way of contested elections, no person will be found bold and courageous enough to contest the election. Suppose as in England the evidence was taken viva voce, and the committee was reduced below nine, by the indisposition of the absent members, then the committee would be dissolved the witnesses would have to be brought back and re-examined, the expence would be enormous. The twenty second clause he (Mr. Baldwin,) thought was conclusive, for it says: - That if the committee be unavoidably reduced below nine, they shall adjourn from day to day till there shall be nine present. This conclusively shows the intention of the Legislature. The House has no power to dissolve this committee, they may declare the committee dissolved, but if any action were taken for costs no court of justice would hold them answerable for the costs, the opinion of this House to the contrary notwithstanding.[92]

MR. AYLWIN had already given his opinion on the subject, and was not again desirous of occupying the time of the House. He would, however, wish to state one fact, which was, that on the journals of the House was an order directing the Speaker to enquire into the cause of the absence of Members of Committees on contested elections. Now, the enquiry so ordered had not taken place yet. The motion of the Hon. member for Frontenac was founded upon the supposition that the absence of members in the present instance was "unavoidable." How could such an opinion have been formed? This very day one of the members in this case, absent yesterday, has appeared before the House, and has offered an excuse, in which he does not say that he was unavoidably absent; and this excuse has been accepted by the House. He (Mr. Aylwin) would caution the House against putting dangerous precedents on their journals - opinions would be formed on them in the end, which would not tend to the honor or advantage of present parties.[93]

MR. SMITH, of Frontenac, said that several of his friends wished him to object to the order of the House, which had directed him to attend in his place to-morrow, to explain the reason of his absence from the Oxford Election Committee to-day, as they considered the Committee ipso facto dissolved; but he thought it improper to do so, as the debate on the

question was to come on this evening. The excuse given to Mr. Lacoste did not affect the question. I consider it immaterial, and in this I am supported by the two Law Officers of the Crown. The hon. member for the Fourth Riding of York based his arguments upon the members of the committee wilfully absenting themselves; but he could not believe it possible that members would wilfully absent themselves. The examination of witnesses before election committees is taken viva voce in England. If the interpretation put upon the statute by the hon. gentleman opposite was correct, the committee might exist during all the Sessions of Parliament. The law contemplated such a case as the present; and to prove this he read the 22nd and 23rd sections of the statute, the latter section of which evidently limited the effect of the former. The hon. member for the Fourth Riding of York had cited a case in which the committee had been reduced to less than nine members; and an act was passed to prevent the committee from being thereby dissolved. He thought that this case was in his favour, as what necessity was there to pass such a law unless the committee would have been dissolved without it? He made the motion now before the House from a sense of his duty to the sitting member whom he represented; and at his request, in reply to the hon. member for Quebec, he frankly admitted that he could find no case which he could cite as precedent; but he thought that none could be cited against him. And the hon. gentleman had stated that to be law which the Law Officers of the Crown solemnly stated not to be law. He was sorry that the hon. gentleman for the Fourth Riding of York, who had held a high station in the government of the country, would not be shaken in the opinion that he had formerly expressed.[94]

MR. JOHNSTON said: What may be the fate of one man to-day may be his to-morrow, and therefore he wished to act justly. From the high minded manner in which Mr. Dickson fulfilled his duty last session, and from his having taken an oath, we must suppose that he is unavoidably detained.[95]

MR. LAFONTAINE: The member of the committee who arrived to-day did not offer as an excuse that he had been unavoidably absent. He (Mr. Lafontaine) had observed that the hon. Attorney General for Upper Canada admitted, in the last debate in (sic) this question, that in case of the death of a member of a committee or the vacating of his seat by accepting office, it was the duty of the committee to report the fact to the House, but in the latter part of his speech he, (the Attorney General) abandoned his first position and stated that it was not in the power or province of the committee to report the cause or reason of absence. In answering the hon. Attorney General on the first day of debate he (Mr. Lafontaine) stated that it was in the power, and was ever the duty of the committee to report the cause of absence if it came to their knowledge, and he was happy now to be able to quote authority to that effect, by which it would also be seen that even after receiving the report the House could not proceed, evidence should still be given under oath at the bar. Here the hon. member read the following extract from Hands: -

"When a member of the committee, by reason of indisposition, cannot attend, he usually sends a certificate of his physician to the chairman, or writes him a letter, stating the circumstance: upon which the commit-

tee adjourn, and their chairman then specially reports the matter to the House, who are, at the same time, informed that a person, sent by the absent member, is attending at the door, and that he would give the House information respecting the state of the member's health: upon this, the person in attendance is called in, and examined on oath in relation thereto, and after he is withdrawn, the House make such order as the case may require."[96]

MR. SHERWOOD (of Brockville), said that he knew that imputations would be thrown out against parties voting in favour of the Resolution, but, he would, nevertheless, give a fearless vote. He regarded the matter as a dry legal question and should admit that he felt great delicacy in voting against certain members on the opposite side; but he had the consolation of being backed by the opinion of the law officers of the Government; he thought the absence of the three members referred to for three successive days legally dissolved the committee, and he would therefore vote for the Resolution.[97]

MR. WILLIAMS said: It is asserted to be a rule that the mere non-attendance of members of the Committee dissolved the Committee. He did not think that this was the case; the 22d section of the Statute, states that the Committee is to meet from time to time until a contingency occurs, viz. that nine members attend. The 23d section provides for another contingency, when the Committee is unavoidably reduced to less than nine members it is dissolved; this latter section limits the effect of the former. The word unavoidable cannot be meant to include mere non-attendance. For in this case should the member when ordered to appear before the House to state the reason of his non-attendance, say that he was negligent, would the house affirm that he was unavoidably absent and excuse him? We cannot by a mere motion assume that the members of the Committee were unavoidably absent.[98]

MR. GOWAN said he had not looked into books on the question, but had been desirous of forming his opinion from arguments adduced by both sides of the House; he (Mr. Gowan) appreciated the question as a mere matter of justice. What was the object of the Law? - that all parties might have justice; he looked upon the Speaker and the House, in that instance, as a court of justice and the Committee as a Jury. If, then, a party is sued in a court of justice and a juror is unable to attend, and sends a certificate of illness, does that deprive the parties before the Court of their rights? Not at all. If one or more jurors were absent, others might be called upon to take their places; and thus did he (Mr. Gowan) view the matter before the House; he regarded the Committee as a Jury, and maintained that if one or more members were absent the rights of parties should not, therefore be denied, or deferred. The hon. member opposite (Mr. Baldwin) had supposed the case of individuals in attendance to give viva voce evidence; he (Mr. Gowan) would meet the hon. gentleman on that ground and ask should 50 witnesses, for instance, so in attendance be kept there merely because members of the Committee chose to absent themselves; he (Mr. G.) had heard of injustice to the petitioner but he could not see what injustice could arise; if the present Committee were dissolved, another could be immediately formed, and the evidence already taken would go before them; he would vote for the

Resolution, and if a similar question arise in reference to other Committees, he would give the same vote.[99]

MR. AT. GEN. SMITH.[100] He considered it necessary to explain to the House the vote which he should give to-night. If we take the 22nd clause can it be for a moment supposed that one or more members are to dance attendance at this House (because one or more members are absent) during every session for four years. If unavoidable absence was to be proved, it would be a source of incessant confusion, as this House would be constantly investigating causes of absence instead of proceeding to the proper business of this House. Suppose for a moment that three members, say that they will not serve on the election committee, if they refused and did not ask to be excused, you could punish them, but while in the custody of the Sergeant at arms, the committee will not be dissolved, according to the construction of the statute, you cannot force the three members to serve, you cannot force them to go into the committee room, they can prevent a report from being presented during the time that the Parliament exists. The hon. gentlemen opposite seem to think that no justice will be received but from the present committee. They cannot know what committee will be appointed.[101]

MR. R. MACDONALD of Cornwall: There is a third rule of Law besides that mentioned by the gentlemen who have already spoken, which he thought would clear up the point in dispute; the rule is, that every public officer is supposed to do his duty, and to be prepared to do his duty, and evidence must therefore be brought forward to prove the contrary. The members of the Committee are public officers, they have taken an oath, that they will faithfully perform the duty intrusted to them, and if they are not present on every occasion, it is to presumed that they are unavoidably absent. This rule he thought ought to settle the question, irrespective of party feeling.[102]

Hear, hear, from the opposition.[103]

MR. R. MACDONALD: Yes, hon. gentlemen opposite may cry hear, hear, but when did ever they give an independent vote; they always stick together. (Hear, hear, hear.) They had not in their ranks such a man as the member for Durham who was going to oppose those with whom he generally voted, on the present occasion. He felt proud of that hon. member.[104]

MR. AT. GEN. DRAPER said that his remarks on the former occasion were called forth by the interpretation given to the 23d Sec. of the Act by the hon. and learned member for the 4th Riding of York; since that, he (Mr. D.) had read the 22d Sec. of the Act, and although he was at first much shaken by it, so much so, indeed, that several of his friends thought he had entirely changed his opinion, yet on further consideration he was strengthened in his first view. He (Mr. Draper) thought the opinion expressed on the opposite side, and upon which much stress had been laid, viz. that the question was, were members, unavoidably, absent was not correct; to him it appeared that the Committee was dissolved by being unavoidably reduced to less than 9 for three successive meetings, whatever might be the cause of absence. He (Mr. Draper) also thought the House could not dissolve the Committee, it was the law that did so. The hon. member further stated that he had not said anything to Mr. Smith,

of Frontenac, to induce that gentleman to absent himself from the Committee; it might be supposed from the hon. Member's remarks that he had had a private conference with him (Mr. Draper) but such was not the case.[105]

MR. ROBLIN. He did not wish to interfere in the debate, being a member of the Committee, but there was one point omitted by all the preceeding (sic) speakers, which he thought to be worthy of notice. What had been the action of this house to-day with respect to this Committee? Did they not require the hon. member for Chambly to give his reasons on oath for his absence from a Committee, which according to the arguments of certain hon. gentlemen, was dissolved three days ago? And other members of the Committee had this day, been ordered to appear in their places to-morrow, to give their reasons, why they had absented themselves from the meeting of the Committee, held this day. The House had by these preceedings (sic) recognised the existence of the Committee.[106]

MR. SOL. GEN. SHERWOOD, of Toronto, said, that he felt more strongly than before that the construction he had put upon the statute was a correct one; but he did not intend to argue the question any further. He only rose to answer the observations of the honorable member for Prince Edwards (sic). The hon. member for Chambly had been ordered to appear in his place to answer for his non-attendance on those days in which it is admitted the committee was in existence. The member was not liable for his non-attendance after Tuesday.[107]

MR. CHALMERS said that hearing such conflicting opinions from the eminent lawyers in this House, on the question now under debate, had considerably perplexed his mind, and he was not at present prepared to give a vote on the subject. He would therefore move, seconded by MR. ERMATINGER, that the further consideration of this motion be postponed until next Monday.[108]

(32)

Motion further postponed.

Mr. Chalmers moved, seconded by Mr. Ermatinger, that the further consideration of the said motion be postponed until Monday next.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Cayley, Chalmers, Colville, Cummings, Daly, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hall, Jessup, Johnston, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Meyers, Moffatt, Monro, Papineau, Petrie, Prince, Robinson, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Viger, Webster, Williams, and Woods.--(34.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Boutillier, Cameron, Cauchon,

Chabot, Chauveau, Christie, Desaunier, DeWitt, Drummond, Franchère, Gaillet, Lacoste, LaFontaine, Lantier, Laterriere, Laurin, LeMoine, Leslie, Macdonald of GLENGARY, Macdonell of STORMONT, M'Connell, Methot, Morin, Nelson, Price, Roblin, Rousseau, Smith of WENTWORTH, Stewart of BYTOWN, and Taché.--(34.)

And the votes being equally divided,

SIR A. MACNAB, the Speaker, in rising to give a casting vote, said[109] that he required no time to make up his mind on the question[110]. He did not think it a question that required much consideration[111]; but some gentlemen had expressed a wish to have the opportunity for further consideration, and[112] as ... ((the)) settlement ((of the question)) involved the establishment of a precedent, he considered if there was one member of that House who desired further delay it should be granted. He therefore voted with the Ayes.[113]

(33)

Mr. Speaker gave his casting vote in the affirmative, and

Ordered, Accordingly.

Addresses on the subject of flour, grain, &c.

The Honourable Mr. Daly, one of the Members of the Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency, the Administrator of the Government, will receive the House, with its Addresses, on the subject of the importation of certain articles of Agricultural Produce into the United Kingdom, to-morrow, at one o'clock, P.M.

MR. PROV. SEC. DALY ((moved)) ... ((that)) ... the house ... ((adjourn)) till one o'clock on Friday, at which hour the address on the alteration of duties will be presented.[114]

(33)

Ordered, That when this House doth adjourn it will adjourn until to-morrow, at one o'clock, P.M.

The House then adjourned.

APPENDIX, 26 MARCH 1846.

((NOTICE OF MOTION RE: CORRESPONDENCE ABOUT CABINET RECONSTRUCTION.))[115]

MR. CAMERON gave notice of his intention to move for an Address to His Excellency the Administrator of the Government, praying for the production of copies of all correspondence which may have taken place between His Excellency or any member of the Government relative to a reconstruction of the Cabinet.[116]

((NOTICE OF MOTION RE: COMMITTEE OF SUPPLY.))

MR. INSP. GEN. CAYLEY gave notice that he would on Tuesday next, move that the House resolve itself into Committee of Supply.[117]

((NOTICE OF MOTION RE: APPOINTMENT OF STANDING COMMITTEE ON RAILROADS.))[118]

MR. AT. GEN. DRAPER gave notice, that he should at an early day, in accordance with a despatch from the Colonial Secretary move for the appointment of a standing Committee on Railways[119] and further ... prepare a general law which should be applicable to the management of all those undertakings[120]. It was the wish of the Home Government that the Colonial Legislature should adopt a well digested system with regard to these measures, to assimilate the proceedings, and to make certain uniform clauses for all Railway Bills, so that the draft of one Bill should be a draft for all as regarded the conditions, powers and liabilities.[121]

((QUESTION AND ANSWER RE: REBELLION LOSSES IN LOWER CANADA.))[122]

MR. SCOTT asked whether the Government intended to grant anything during this session to parties in Lower Canada who had suffered losses during the late Rebellion.[123]

MR. AT. GEN. SMITH said that Commisioners (sic) were enquiring into the losses referred to, and[124] the ministry was not prepared to make any proposition relative to rebellion losses in Lower Canada until the committee now sitting shall have prepared and presented its report.[125]

((MOTION TO REFER PETITION FOR A MONEY GRANT.))

((An hon. member moved to refer)) a petition praying for a money grant.[127]

MR. AT. GEN. SMITH announced that for the future, it would be expected that notice be given to government of all similar petitions[128] before ((they were)) referred[129]; otherwise they would be opposed.[130] The Committee would then be prepared to declare what course it would take on the subject.[131]

MR. AT. GEN. SMITH and MR. PRES. EX. COUN. VIGER ((argued)) that a select committee of the House could enquire into a claim with more facility

than the government, and Mr. Smith said that the committee could send for persons and papers AND EXAMINE ON OATH[132].

Loud laughter and ironical cheers from the opposition.[133]

MR. AT. GEN. SMITH had to acknowledge that he was wrong, and that he had forgotten that a select committee had no power to examine witnesses under oath.[134]

MR. COLVILLE was afraid that justice would not be done to the public if every claim had to be decided on by the Executive.[135]

MR. MOFFATT shewed that Mr. Colville's objection had no force, for an aggrieved party could always appeal to the Legislature, and throw the minister on his defence for the course which he had taken. He urged however that these claims should in the first instance be urged before the Government.[136]

FOOTNOTES - 26 March 1846.

1. There are commentaries on Monro's taking his seat in: PILOT, 28 March 1846; EXAMINER, 1, 8 April 1846; and BROCKVILLE RECORDER, 2 April 1846.
2. The debate on this matter was reported by: MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts. The following report was inserted after JOURNALS' account of petitions read although the report referred to items dealt with throughout the reading of the petitions. It was impossible, on the basis of the newspaper sources available, to insert it more accurately among the petitions received.
3. MIRROR, 26 March 1846.
4. IBID.
5. IBID.
6. IBID.
7. The debate on this motion was reported by: MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
8. MIRROR, 26 March 1846.
9. IBID.
10. IBID.
11. The debate on this matter was reported by: MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
12. MIRROR, 26 March 1846.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this matter was reported by: BRITISH COLONIST, 7 April 1846; MONTREAL GAZETTE, 30 March 1846; and MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
17. MONTREAL GAZETTE, 30 March 1846.
18. MIRROR, 26 March 1846.
19. MONTREAL GAZETTE, 30 March 1846.
20. MIRROR, 26 March 1846.
21. MONTREAL GAZETTE, 30 March 1846.
22. MIRROR, 26 March 1846.
23. MONTREAL GAZETTE, 30 March 1846.
24. The debate on this matter was reported by: L'AURORE, 1 April 1846; BRITISH COLONIST, 7 April 1846; MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts; and MONTREAL GAZETTE, 30 March 1846, COBOURG STAR, 1 April 1846, and ST. CATHARINES JOURNAL, 9 April 1846, in identical accounts except that in ST. CATHARINES JOURNAL some speeches have been omitted entirely. A commentary is contained in PILOT, 28 March 1846.
25. MIRROR, 26 March 1846, which noted that the "hon. member spoke so low as to be almost inaudible in the reporters' gallery."
26. BRITISH COLONIST, 7 April 1846.
27. MIRROR, 26 March 1846.
28. BRITISH COLONIST, 7 April 1846.
29. MONTREAL GAZETTE, 30 March 1846.
30. MIRROR, 26 March 1846.
31. MONTREAL GAZETTE, 30 March 1846.

32. MIRROR, 26 March 1846.
33. BRITISH COLONIST, 7 April 1846.
34. IBID.
35. IBID.
36. MONTREAL GAZETTE, 30 March 1846.
37. BRITISH COLONIST, 7 April 1846.
38. MIRROR, 26 March 1846.
39. BRITISH COLONIST, 7 April 1846.
40. MIRROR, 26 March 1846.
41. BRITISH COLONIST, 7 April 1846. The MIRROR, 26 March 1846, however, stated that it was sevenpence halfpenny.
42. MIRROR, 26 March 1846.
43. BRITISH COLONIST, 7 April 1846.
44. MONTREAL GAZETTE, 30 March 1846.
45. MIRROR, 26 March 1846.
46. BRITISH COLONIST, 7 April 1846.
47. MIRROR, 26 March 1846.
48. BRITISH COLONIST, 7 April 1846.
49. MIRROR, 26 March 1846.
50. MONTREAL GAZETTE, 30 March 1846.
51. MIRROR, 26 March 1846.
52. IBID.
53. BRITISH COLONIST, 7 April 1846.
54. MIRROR, 26 March 1846.
55. IBID.
56. BRITISH COLONIST, 7 April 1846.
57. MIRROR, 26 March 1846.
58. IBID.
59. IBID.
60. The debate on this motion was reported by: MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
61. MIRROR, 26 March 1846.
62. There is a commentary on this despatch in PILOT, 28 March 1846.
63. The debate on this matter was reported by: BRITISH COLONIST, 7 April 1846; MONTREAL GAZETTE, 30 March 1846; and MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
64. MIRROR, 26 March 1846.
65. MONTREAL GAZETTE, 30 March 1846.
66. MIRROR, 26 March 1846. LE JOURNAL DE QUEBEC, 4 April 1846, commented "Le bill de M. Taschereau pour valider certains actes notariés, a produit quelques discussions toutes dans le sens de l'approbation; on lui a seulement fait quelques suggestions auxquelles il parait se prêter avec bonne grâce."
67. The debate on this matter was reported by: MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
68. MIRROR, 26 March 1846.
69. IBID.
70. The debate on this matter was reported by: BRITISH COLONIST, 7 April 1846, MONTREAL GAZETTE, 30 March 1846, and ST. CATHARINES JOUR-

NAL, 9 April 1846, in identical accounts except that in the ST. CATHARINES JOURNAL some speeches have been omitted entirely.

71. MONTREAL GAZETTE, 30 March 1846.
72. IBID.
73. IBID.
74. The debate on this matter was reported by: MONTREAL GAZETTE,30 March 1846, BRITISH COLONIST, 7 April 1846, and ST. CATHARINES JOURNAL, 9 April 1846, in identical accounts except that the ST. CATHARINES JOURNAL has omitted some speeches entirely.
75. MONTREAL GAZETTE, 30 March 1846.
76. The debate on this motion was reported by: BRITISH COLONIST, 7 April 1846; and MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
77. MIRROR, 26 March 1846.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID..
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. The debate on this motion was reported by: MONTREAL GAZETTE, 30 March 1846; BRITISH COLONIST, 7 April 1846; LE JOURNAL DE QUEBEC, 31 March 1846; MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts; and LA MINERVE, 30 March 1846, and LE CANADIEN, 6 April 1846, in identical accounts. Commentaries are contained in: LE JOURNAL DE QUEBEC, 31 March 1846; BROCKVILLE RECORDER, 2 April 1846; and PILOT, 28 March 1846. According to MONTREAL GAZETTE, 30 March 1846, "The debate elicited a good deal of legal acumen, and upon the whole was, in a literary point of view, creditable to the House."
91. MIRROR, 26 March 1846.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID. PILOT, 28 March 1846, commented: "Mr. Attorney General Smith made another unfortunate display."
101. MIRROR, 26 March 1846.
102. IBID.
103. IBID.
104. IBID.

105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. BRITISH COLONIST, 7 April 1846.
111. MIRROR, 26 March 1846.
112. BRITISH COLONIST, 7 April 1846.
113. MONTREAL GAZETTE, 30 March 1846.
114. BRITISH COLONIST, 7 April 1846.
115. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 31 March 1846; MONTREAL GAZETTE, 30 March 1846; and BRITISH COLONIST, 7 April 1846.
116. MONTREAL GAZETTE, 30 March 1846.
117. IBID.
118. The debate on this matter was reported by: MONTREAL GAZETTE, 30 March 1846; and BRITISH COLONIST, 7 April 1846.
119. MONTREAL GAZETTE, 30 March 1846.
120. BRITISH COLONIST, 7 April 1846.
121. MONTREAL GAZETTE, 30 March 1846.
122. The debate on this matter was reported by: BRITISH COLONIST, 7 April 1846; and MIRROR, 26 March 1846, and PILOT, 28 March 1846, in identical accounts.
123. MIRROR, 26 March 1846.
124. IBID.
125. BRITISH COLONIST, 7 April 1846.
126. The debate on this motion was reported by: MIRROR, 26, 27 March 1846; PILOT, 28 March 1846; BRITISH COLONIST, 7 April 1846, KINGSTON NEWS, 6 April 1846, and COBOURG STAR, 8 April 1846, in identical accounts; and and LE JOURNAL DE QUEBEC, 4 April 1846. The PILOT observed that an "interesting debate" took place on this motion. The MIRROR, and BRITISH COLONIST reported this motion as having occurred on 27 March 1846, whereas the PILOT identified it as on the agenda for the 26th of March. The PILOT's version has been accepted because there is sufficient internal evidence to validate it. As no reference to this motion was made in JOURNALS, the account was placed in the Appendix.
127. BRITISH COLONIST, 7 April 1846.
128. IBID.
129. MIRROR, 26 March 1846.
130. BRITISH COLONIST, 7 April 1846.
131. MIRROR, 26 March 1846.
132. PILOT, 28 March 1846.
133. IBID.
134. IBID.
135. IBID.
136. IBID. The PILOT commented: "Mr. Moffatt made some excellent remarks which must have had an effect on the House."

1 O'CLOCK, P. M.

House wait on the Administrator of the Government with Addresses.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency, the Administrator of the Government, with the Addresses of the House,

And being returned,

Mr. Speaker reported that the House had waited upon His Excellency, the Administrator of the Government, with their Addresses to the Queen, on the subject of the importation of certain articles Agricultural Produce, into the United Kingdom, and the Address to His Excellency, praying that he will transmit the said Address to Her Majesty's Government in England, to which His Excellency was pleased to make the following answer:--

Answer.

Gentlemen of the Legislative Assembly,

I shall have great pleasure in transmitting your Address to Her Majesty's Secretary of State, to be laid at the foot of the Throne, for Her Gracious Majesty's consideration.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Stewart of Bytown,--The Petition of William Rogerson and others, Manufacturers of Lumber, of the Province of Canada.

By Mr. Cauchon,--The Petition of Louis Celestin Lefrançois, Registrar of the County of Montmorency.

By the Honourable Mr. Viger,--The Petition of Israel Lewis, C.M.; the Petition of André Antoine Asselin, of the Parish of St. François du Lac St. Pierre, School Master; and the Petition of the Municipal Council of the Municiplaity of Ste. Anne de la Pocatière, in the County of Kamouraska.

By Mr. Taché,--The Petition of the Honourable Antoine Gaspard Couillard.

By Mr. Cummings,--The Petition of the Municipal Council of the District of Niagara, (relating to a Road.)

By Mr. Ermatinger,--The Petition of James Hutchison and James F. M'Carthey, on behalf of a public meeting of the inhabitants of Bayham and other Townships, in the Districts of London, Oxford, and Talbot.

By Mr. Macdonald of Cornwall,--The Petition of Alexander M'Lean, Esquire, and others, of the Town of Cornwall.

By Mr. Guillet,--The Petition of A. Bouchet and others, inhabitants of the County of Champlain.

Petitions referred:

Resolved, That the Petition of Wishe Tegerihontie and others, Chiefs and Warriors, Iroquois,

Wishe Tegarihontie and others. — *Algonquins and Nipissings of St. Regis, and other places, be referred to a Select Committee, composed of Mr. Macdonell of Dundas, Mr. Prince, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

George Roe and others. — *Resolved, That the Petition of George Roe and others, of the County of Russell, be referred to a Select Committee, composed of Mr. Petrie, Mr. Macdonald of Kingston, Mr. Price, Mr. Stewart of Bytown, and Mr. Chalmers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Roderick M'Gillis and others. — *Resolved, That the Petition of Roderick M'Gillis, and others, Cullers and Inspectors of Timber; praying to be incorporated as "The Quebec Cullers Benevolent Society," be referred to a Select Committee, composed of Mr. Chabot, the Honourable Mr. Morin, Mr. Taché, Mr. Chauveau, and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

J. B. Pagé and others. — *Resolved, That the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette, be referred to a Select Committee, composed of Mr. Chauveau, the Honourable Mr. Aylwin, Mr. Chabot, Mr. Cauchon, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed, by bill or otherwise; with power to send for persons, papers, and records.*

Rev. P. Roy, and others. — *Ordered, That the Petition of the Reverend P. Roy and others, of the County of Quebec, be referred to the said Committee.*

Dominique Lefrançois and others. — *Ordered, That the Petition of Dominique Lefrançois and others, of the Parish of St. Ambroise de la Jeune Lorette; the Petition of J. B. Trudelle, Esquire, and others, of the County of Quebec; and the Petition of Jacques Legaré, Esquire, Mayor, and of the Councillors and others of the Municipality of the Parish of St. Foye, in the District of Quebec, be referred to the Select Committee, to which was referred the Petition of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette.*

Joseph Cormier and others. — *Resolved, That the Petition of Joseph Cormier, Esquire, and others, of the Magdalen Islands, in the County and District of Gaspé, be referred to a Select Committee, composed of Mr. Christie, Mr. Chabot, Mr. Chauveau, Mr. Taché, Mr. Williams, Mr. Petrie, and Mr. Price, to examine the contents thereof, and to report*

thereon with all convenient speed; with power to send for persons, papers, and records.

Julien Demers and others. — *Resolved, That the Petition of Julien Demers, Esquire, and others, of the Parishes of St. Croix and St. Flavien, in the County of Lotbinière, be referred to a Select Committee, composed of Mr. Laurin, Mr. Berthelot, Mr. Lacoste, Mr. Chabot, Mr. Cauchon, and Mr. Méthot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Rev. L. Proulx and others. — *Ordered, That the Petition of the Reverend Louis Proulx and others, of St. Antoine de Tilly, and other Parishes in the County of Lotbinière; and the Petition of the Reverend P. Patry and others, of the Parish of St. Giles, in the County of Lotbinière, be referred to the said Committee.*

(34)

County of Middlesex Election. — *Mr. Williams from the Select Committee, appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District; complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament; reported that the Committee met this day, pursuant to adjournment, but were unable to proceed to business in consequence of the absence of Mr. Dickson their Chairman.*

County of Oxford Election. — *Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met this day at nine o'clock A.M. pursuant to adjournment, but were unable to proceed to business in consequence of the absence of Mr. Dickson and Mr. Bertrand, Members of the Committee.*

Members to attend in their places. — *Ordered, That Mr. Dickson, Member for the Town of Niagara, and Mr. Bertrand, Member for the County of Rimouski, do severally attend in their places in this House at the next Sitting thereof.*

MR. CAMERON[1] rose pursuant to notice to make a motion for an Address to the head of the Government for any Correspondence having relation to a recent attempt to reconstruct the Ministry.[2] ((He)) said that as Ministers had refused to give any explanation of the rumour which had appeared in the Montreal Times, a Conservative journal, he felt bound to press his motion.[3] He remarked that he was driven to this course by the refusal of the leader of the Government to give a satisfactory answer to the question on this subject, which he had put the day before.[4] He (Mr. Cameron) was surprised at the manner in which his allusion on ... ((that)) occasion to the sub-

stance of the present motion was met; he was told in that instance that notice should have been given on a previous day, he (Mr. Cameron) thought that no notice should be required for a question of the present kind, rumours[5] asserting that negociation (sic) were going on of the nature referred to,[6] had gone abroad, had gone the rounds of the Press, had been believed by the great majority of those who heard them. The slightest denial on the part of a member of the Ministry would have satisfied him (Mr. Cameron) that there was no foundation for these rumours, but no denial having been offered, he was bound to believe that there was foundation for the reports abroad, and he and every other member of the house had in such a case a right to demand satisfactory explanations. It had been reported that a correspondence had taken place between the Attorney General West and a leading member of the opposition to the effect that a re-construction of the present Ministry was contemplated, that some members of the administration were unworthy to be there or were prepared to go out. The name of the hon. member for Terrebonne had been connected with these reports; but he (Mr. C.) had too high an opinion of that gentleman to believe that he would be connected with intrigues so unlike Responsible Government. Confidential communications were spoken of; but he (Mr. C.) was freed from any responsibility of that kind; his information was derived from communications about town; he found the leading conservatives crediting the rumours to which he referred. It had been said that these communications were confidential; he (Mr. Cameron) denied the right of a Minister of the Crown to hold confidential communications on such subjects with leaders of the opposition. He would now make his motion, and leave the hon. Attorney General West to answer.[7]

(34)

Motion for an Address on reconstruction of the Executive Council.

Mr. Cameron moved, seconded by Mr. Cauchon, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency may be pleased to inform this House what Negociations or Correspondence, if any, have taken place between the Executive Council, or any Member thereof, and any of the Members of this House or of the other Branch of the Legislature, on the subject of a reconstruction of the Cabinet, by the resignation of one or more, or the dismissal of one or more of the present Members thereof, and the admission of other Gentlemen to fill their places, with the dates, &c. of such correspondence.

MR. AT. GEN. DRAPER said that as it was impossible for him to consent to the motion for the Address, he should attempt to show why he opposed it. In the first place he would demand of the honorable gentleman who was so intimately acquainted with British practice, whether he could show any precedent drawn from that practice, for an Address to the Queen, praying for correspondence relative to a

supposed change in her Cabinet.[8]

MR. CAMERON had never heard of a case in which a minister had refused to answer such a question.[9]

MR. AT. GEN. DRAPER had not yet heard the ministry asked. (Laughter.) For his own part, he should give the only answer that would ever be given by him, and he thought he might venture to say, the only one which would be given by any of his colleagues.[10] He must oppose the motion. The hon. member for Lanark, appeals to British practice, but he must say that there is no precedent in the House of Commons of such an address to the Crown having been made. He was therefore obliged to resist the motion on principle.[11] As to any official communications, which, of course, were the only ones which could be applied for, he would only say that every one acquainted with British practice, must know perfectly well that[12] if an official communication is made, it must be made with some one, and can only be communicated with the permission of the head of the Government[13], that was to say, the Sovereign, whom the head of the government here represented - ((no such communication nor any)) passing under the immediate notice of the head of the government, was ever made public by the parties to whom they had been made, nor by those who had been the channel by which they passed. He was perfectly certain that he could refer to numerous precedents in British practice of cases in which the parties had been silent, day after day, until they had obtained permission to make known the details of negotiations in which they had been engaged.[14] The course pursued in England if actual negotiations had taken place was, that the party to whom overtures were made ... ask permission of the Crown, of which the Administrator was here the Representative, to make known to the Legislature the correspondence, and permission was rarely refused.[15] That was his objection: and he would say that assuming for a moment that[16] the motion before the House had any foundation in fact,[17] it was in the power of any gentleman who had been spoken to, in an official manner, to apply for permission to make known the circumstances of the transaction. He (Mr D.) was sure that permission would be immediately granted. The hon. gentleman, however, who had brought forward the motion, had informed the House that he had found a rumor of these changes brought before the public in the columns of a newspaper. A great authority truly. He (Mr D) would engage to get the most absurd rumor that could be imagined published in a newspaper. In forty-eight hours he would get a circumstantial statement published--he did not say it would be believed--[18] ((of)) the most ridiculous ((rumour)) that could be imagined, for instance, that the Hon. Member for Lanark had been sent for to form an Administration (laughter)[19]. He was sure that such a rumor might be published,--whether any one would believe that any Governor General could be weak enough to commit himself by so false a step, was another question. (Laughter.) To make such a statement an authority for such a motion as the present, was, to say the least of it, not a little extraordinary. If there were any other authority--if the hon. member would give the name of any person from whom he had

received his information[20], let him state the name of the person, and do it distinctly, and not beat about the bush.[21] ((Then)) there might be some reason for demanding some explanation.[22] Before concluding, he would observe that[23] he dissented from the rules which had been laid down by the hon. member, that a public man was necessarily debarred from holding confidential intercourse with a friend on the other side.[24] He for one denied, that his situation prevented him from holding private and confidential communication with personal friends, even though they should differ from him in politics[25] ((and be)) Members of the Opposition, upon any measure he was about to bring forward[26], to elicit such information as would guide him in the important duties that were entrusted to him,[27] to ascertain how it might be received by them or their party, or for information in the construction of a measure[28] for the benefit of the public. He thought he was justified in making use of that information to change any law or any system, without of course, alluding to those of whom he procured it[29], always providing that upon entering on such confidential communication, he stated fully and unreservedly to such Member the object of his enquiry.[30] And he would say farther, that a man with whom such a conversation had been held, and who would be guilty of violating a confidence reposed in him, would be guilty of an act of unmitigated baseness[31], an act of treachery and breach of confidence.[32]

MR. BALDWIN considered the subject of more importance to that House and the country than the Hon. Attorney General seemed disposed to admit; and he thought they had a right to expect an answer. He denied that the course taken by the member for Lanark was without precedent; and though he acted upon a rumour, yet the House had a right to proceed on as slight a foundation as that.[33]

M. LA FONTAINE[34] ne parlait que parce que son nom avait été prononcé par M. Cameron.[35] ((Il)) dit que les dernières paroles prononcées par l'hon. procureur-général l'avaient frappé, tellement qu'il (M. La Fontaine) ne pouvait laisser passer cette occasion sans lui demander quelques explications. L'hon. membre pour Lanark, avait fait une action pour obtenir quelques informations relatives à des ouvertures ou prétendues ouvertures qui auraient été faites par l'administration à certains membres de l'opposition; l'hon. procureur-général, après avoir dénié à toute personne le droit de demander ces informations, soutenait que des membres de l'administration pouvaient faire quelque ouverture à des personnes, dans le but, soit d'introduire une loi, soit de changer un système, etc. etc.; c'était un principe contre lequel, il (M. L.) protestait hautement; il désirait savoir si l'hon. procureur-général entretenait véritablement l'opinion qu'il venait d'énoncer.[36] ((He)) did not know what the hon. Attorney General meant by talking of the change of a system. System was a word of a wide signification, and he thought its introduction should be explained. As to what the honorable Attorney General had said about obtaining information from his political opponents and of the baseness of those

who would violate the confidence reposed in them, he would ask one question.[37] Was the gentleman from whom he obtained his information to say nothing, to be placed in a situation to be exposed to all the suspicions of his party. He (Mr. L.) would ask whether a gentleman in the position of the Attorney General would be justified in making overtures to the opposition apparently in sincerity; (and he (Mr. L.) would not doubt that any such overtures made by the Attorney General would be made in sincerity,) (Hear.) in thus ascertaining the views and plans of the party opposed to him and having ascertained their views as to the principle on which the government should be conducted, abstain from giving any answer, or state whether their views was (sic) satisfactory or not; if such a course should be taken, he (Mr. L.) would ask whether the individual addressed, the individual th((r))ough whom the views of his party had been ascertained is not entitled to speak in his defence.[38] ((And)) would his ((Mr. Draper's)) conduct be right and proper, or would the person to whom those overtures were made be bound to silence, as honorable men in whom confidence had been reposed?[39] ((Further)) the honourable gentleman wished to ask the Attorney-General, (West), whether he considered he had a right, after making such a communication to a leader of the Opposition, and finding, from his reply, that he was not indisposed to give his assistance to the Administration, to go no further, and to offer him a place in that Administration?[40]

MR. AT. GEN. DRAPER said the question of the honourable gentleman was altogether suppositious, and not warranted by the remarks he had made; but he would answer it. If such a disposition should be shown by the party with whom he held such confidential communication, he did not consider that anything proceeding from it bound him beyond the influence it might have on him to shape his course this way or that. If the party so communicated with thought he had reason to complain, he could apply for liberty to make known the correspondence[41]. ((He)) would suppose a case to illustrate his meaning. Suppose the case of a particular measure which he desired to carry - suppose that he felt its importance, but hesitated to move in it without the support of the house, and suppose that he had a personal friend with whom he could enter into confidential intercourse, could he not privately say to his friend, - Here is a measure, on the success of which I am interested, I wish to understand your views upon the subject, but whatever takes place is confidential and must go no farther. How will it be approved of by your friends - how will it be treated by the party with whom you act? Would he not have a right to make use of the information which was thus afforded him? Would he not have the right to stand up in the house and propose his plan without giving the name of the party from whom he obtained it?[42] He wished it to be distinctly understood, that he considered it the right of any minister to consult in confidence with a personal friend even although he belonged to the ranks of the opposition, in reference to any ministerial act, and to judge for himself.[43] What he meant to lay down was this,

that for every act of a political nature, undertaken by a public man, that man alone was responsible - that he could have no right to fall back upon communications in this or that quarter, but that he must stand or fall by the measure itself. At the same time he claimed again the perfect right to seek that information, and especially if, when he sought it, he avowed frankly and sincerely his object in doing so.[44]

MR. LAFONTAINE. - The Hon. Attorney General has not answered my question or rather he does not appear to have comprehended it. Let us suppose that there has been no conversation but a correspondence in writing provoked by the leader of an administration with all the appearance of sincerity (and he Mr. L would repeat that if the Hon. At. Gl. was the one to provoke that correspondence he had doubtless done so in sincerity.) Let us suppose that in consequence of that correspondence the leader of that administration under the pretext of replacing some of his colleagues, of effecting what is called a change of system, should have succeeded in ascertaining the ideas, the views, and the plans of the opposition, and after having thus ascertained them, he should have stopped there without even making an answer to the person whom he had employed as his organ of communication to attain that end. He (Mr. L.) would ask ... the hon. Attorney General ... ((about)) such conduct[45]. Je demande donc s'il est convenable, s'il est constitutionel, s'il est parlementaire[46], ((or)) if on the contrary the person employed as such organ of communication ought not to be considered as having been duped, and consequently as having been made to dupe his friends; and he (Mr.L.) would ask whether, under such circumstances, the member of the opposition, from whom by means of the agent thus duped, the leader of the Government should have succeeded in ascertaining the views of the opposition, would not have a right to speak out when put upon his defence?[47] He desired to know from the hon. Attorney General, whether he (the hon. Attorney General) conceived that after the termination of negotiations ... the party with whom the negotiations had been held was bound to secrecy ... notwithstanding the suspicion which his silence might create among his political friends.[48]

MR. PRES. EX. COUN. VIGER dit que les hons. membres devraient savoir qu'il est du premier devoir de tout gentilhomme de respecter les lois du secret, que divulguer le secret est manquer aux principes de l'honneur et de la morale; que d'ailleurs les hons. membres ne devraient pas s'arrêter à des bruits répandus par les journalistes. Il dit qu'il n'était que depuis deux ans dans les affaires du gouvernement: que cependant bien longtemps avant, il avait eu l'honneur de recevoir quelques confidences, mais qu'il toujours avait gardé à ce sujet le secret le plus inviolable. Les plus grands maux que l'Angleterre ait soufferts, et le sang qui a été versé en si grande abondance en France durant le règne de la terreur, ont été en grande partie le résultat de la violation des secrets du gouvernement. Les membres du conseil exécutif sont liés au secret, et ne peuvent enfreindre cette règle sans

la permission du chef de l'exécutif. M. Viger termina en disant qu'il permettait à toute personne de blesser sa sensibilité, qu'il avait été calomnié, mais qu'il en était encore, comme il l'avait toujours dit, à la justice de ses compatriotes.[49]

M. LA FONTAINE. - Il n'y a pas encore là de réponse à ma question; il m'a même été impossible de saisir la moindre liaison entre les idées de l'hon. président du conseil.[50]

MR. PRES. EX. COUN. VIGER. - Je désirerais que l'hon. membre posât encore sa question.[51]

M. LA FONTAINE. - C'est au procureur-général que je me suis adressé; je crois qu'il m'a compris et qu'il est en état de répondre pour lui-même.[52]

MR. AT. GEN. DRAPER thought that the question of the honble. member for Terrebonne was to this effect, viz. :- That suppose the honble. gentleman opposite and myself, although belonging to different political parties, were personal friends, that having the greatest confidence in each other[53], that, knowing the high position which that gentleman held with his party[54], and that after dinner, over a bottle of claret, he (Mr. D.) should say to the member opposite that he wished to converse with him respecting the state of political parties in this country, but that the different political opinions of the hon. member and himself prevented them doing so except in the most perfect confidence, that this conversation did take place, and[55] was followed by others, and perhaps that several notes passed between them[56], ((and)) that this leaked out by some means or other, would not the hon. member be justified in explaining this, should he fall under the suspicion of the political parties whose confidence he was desirous of maintaining. I say no, till he had received my consent[57]. ((Mr. Draper)) held that in such a case he would have full right, after his friend had placed his confidence in him - a thing which he might or might not do, at his own pleasure - to act or not to act upon those renseignments as he thought proper. If any suspicions should then be excited in the party to whom his hon. friend belonged, he thought he knew the course which he would take if placed in the position which his hon. friend would hold. He thought he should apply to the party with whom the communication had taken place, and should inquire if he could be allowed to explain the whole matter to his friends and his party. He thought that permission might be justly refused, especially in the case of a mere rumour; and that, in the case he had supposed his hon. friend would, even then, be obliged to confess, that the whole difficulty was brought about by his own indiscretion. His hon. friend might certainly, in such a case, have the right to complain of him, but he could have no right to violate his trust.[58] Still I consider that I should be perfectly justified in pursuing such a course in reference to holding such a conversation with such an individual as I have supposed the hon. member (Mr. Lafontaine) to be.[59]

MR. SOL. GEN. SHERWOOD (of Toronto) said, that most of the former

speakers had spoken in French, and he wished to say a few words on the subject. He (Mr. Sherwood) was inclined to think, that the motion was made rather with a view to elicit discussion, and to damage[60] ((and)) embarrass[61] the Administration, than with any idea of passing the Resolution. We are asked by this motion, to vote for an Address to His Excellency requesting him to send down any correspondence that may have taken place with respect to the formation of a new Cabinet, or of the remodelling of the present one.[62] He thought that in bringing forward such a motion, the hon. member ought at least to have given some examples from British practice[63], if ever such a motion was made in England[64], which would have served for a precedent for the extraordinary course he proposed to take.[65] If he (Mr. Sherwood) understood any thing about Constitutional Government, he thought it was for the Governor General to part with his advisers when he became dissatisfied with their conduct, or for the Ministers to resign if they found any difficulty with the Governor General or with the House. If any member of the cabinet was dissatisfied with his colleagues, he too, would have the right to complain, but while a Government had the confidence of the Head of the Government, and the support of the House, and while there was no division among themselves, he conceived that they had no right to be subjected to any such questions.[66] If the Attorney General has written to any gentleman about his views with respect to the public affairs, and has told him that he (Mr. Draper) was prepared and anxious to act with this gentleman, it is to the Attorney General and this individual, and not to the Governor, that the hon. member for Lanark must look for information. It is for this House to say who will be in the Government, and it is not the duty of any member of the administration to undermine his colleagues, and if they find that he is doing so, it is for his colleagues to deal with him. The House must assume that there is a perfect confidence between His Excellency and the members of the administration. We have a government enjoying the confidence of the House and of the Head of the Government; - and when that ministry cannot sustain themselves in the House, they must make way for another.[67] For his own part, he knew nothing about these alleged overtures; but from the course which the discussion had taken that night, he inferred that some negotiations had taken place between some of the members of the government and some members on the other side of the House, relative to an arrangement that would be consistent with the views and wishes of the great mass of the people of the country.[68] I cannot but think that some correspondence has taken place.[69] He blamed no man who should express his will to retire from the Government, or to combine with others to form a new ministry to give satisfaction to the great body of the people.[70] I do not blame the Attorney General, if he thought that such a change would add strength to the ministry - while the present supporters still continued to sustain the administration, - and thus form a strong government. He thought that the House had no right to ask for such a correspondence; that it was an impertinent request[71] of the inquisitive member for Lanark.[72] The motion had no foundation in British prece-

dent nor in common sense[73]. He therefore trusted the House would negative the motion.[74]

M. CAUCHON[75] se leva pour parler.[76]

Le côté droit se mit à murmurer, à crier, et à rire.[77]

M. CAUCHON. "Je suis accoutumé, dit l'hon. membre à ces rires indécens qui décèlent chez ceux qui les font, un manque de bienséance et de savoir-vivre. Les membres de cette chambre qui se rendent coupables d'une conduite aussi indigne de leur place, ont l'honneur d'avoir des imitateurs dans la presse; un journal de cette ville a employé ces jours-ci près d'une demi colonne à me vilipender et à me dire des injures. On m'a dit que l'éditeur était un individu du nom de Fleet; on va jusqu'à tourner mes discours de manière à les rendre tout-à-fait ridicules.[78] He assured the hon. members ... that he could not be put down that way, that he was accustomed to be laughed at, that ridicule followed him like a shadow; the Press had been hired to vilify him; he had been called a Hog, and an unclean animal; his hat had been exposed to scorn, and the cut of his coat derided. His very bodily appearance had been remarked on, and every vile epithet which could be applied to a veritable porker, had been lavished on him by the sausage party.[79] Si l'on a pas plus d'honnêteté et de savoir-vivre, je veux au moins que l'on me laisse jouir dans cette chambre de mon droit de représentant du peuple, la liberté de parole.[80] The hon. gentleman concluded by declaring that unless more respect was shown him by the Press, and ... his speeches regularly reported, he should make use of his prerogative, and clear the Reporters' gallery.[81] J'en viens maintenant à la question. Je dis que s'il y a dans cette chambre, des personnes qui aient eu avec certains membres du cabinet des communications relatives à des matières d'administration, si ces communications intéressent le public ou un parti, si les membres de ce parti veulent se former un jugement dans cette affaire, ils ont droit de demander à l'administration un aveu de ce qui s'est passé à ce sujet; si l'administration refuse de faire cet aveu alors les membres à qui ont été faites les ouvertures ont droit et sont obligés de communiquer ce sujet; c'est un devoir qu'ils ont à remplir envers leurs (sic) pays et le parti qu'ils représentent; et s'ils ne le font, ils sont indignes de posséder sa confiance. Moi-même, je leur retirerais ma confiance, si je connaissais que l'administration leur a offert des places, et qu'il (sic) persévéraient à ne pas vouloir expliquer la cause de leur refus. Ce secret qui a fait tant de mal au pays, on craint de le dévoiler; l'hon. membre pour les Trois Rivières assure que ce serait violer les lois de l'honneur et de la morale. Mais quel autre moyen faudra-t-il donc adopter? Le mode adopté par l'hon. membre pour Lanark est le seul que nous devions suivre. La partie du pays que nous représentons a droit de connaître la vérité. L'administration ne dit pas formellement, mais elle donne à entendre qu'il y a eu quelque chose. L'hon. membre pour Terrebonne a été mis dans une position embarrassante et il a raison de demander des explications.[82]

MR. COM. CR. LANDS PAPINEAU ((spoke.))[83]

MR. BALDWIN said, if he had understood the hon. member who had just sat down (Mr. Papineau) he complained that under the form of a general question particulars were sought to be elicited, which it was improper to enter upon; he (Mr. B.) held an opinion directly opposite to that entertained by the hon. gent.; he contended that the House had a right to enquire into all the particulars of such a case as the present.[84] ((He)) said it was objected in the early part of the debate, that the grounds on which the hon. member for Lanark based his motion were not of a kind to entitle him to carry it[85]; that there was no precedent for parliamentary enquiry regarding mere rumours; but there was an authority and no less a one than that of Mr. Fox, who said that[86] the Parliament was the grand inquest of the country, and was bound to inquire into everything[87] affecting the public interests[88] - rumours among the rest.[89] The present rumours were important as well in themselves as in the interests to which they pointed, important to this House, to our constituencies, and to the country at large; therefore was it that full explanation into such a matter should be demanded.[90] The house had not only the right to proceed on such rumours, but it was its bounden duty to do so. He thought, therefore, that the objection on that ground was entirely unfounded. Then, with regard to the technical objection which had been raised,[91] he (Mr. Baldwin) would ask what his hon. friend was to do? -[92] it must be recollected that the motion of his hon. friend was grounded on the fact that[93] the question[94] which he had put in debate[95] had not been answered, no explanation was given, time passed away and no answer was yet obtained[96]. What course then could be taken but the one which was now proposed?[97] It was said there was no precedent for such a course. A precedent would be found on the Journals of the House of 1842.[98] If the hon'ble member((s)) would refer to 1842, they would find a motion made in that year ... having the very same object as that of the hon. member for Lanark[99] by a gentleman on the opposite side of the House, - one who rarely indeed acted with him; he referred to one of the present members for Montreal - Mr. Moffatt. That hon. member moved in 1842 for enquiries into changes in the Government of that day, and in 1843 a precisely similar motion was made by a high authority in that House then and now, by the present Speaker of the House.[100]

MR. HALE. - The changes had then taken place.[101]

MR. BALDWIN. - That made no difference whatever.[102] The house was not called on to inquire whether the existing ministry was or was not likely to last, nor whether an attempt had been made to gain the support of a large section of the community, but he thought that the country had a right to endeavour to gain an answer to this question[103], had this House the right to address the Governor for information regarding Ministerial changes. If so, it had the same right to ask information regarding propositions out of which changes might arise. What! if a proposition were made, the intention of which was to sat-

isfy a large portion of the inhabitants of the Province, are we not bound to enquire into its particulars; and when an admission is made by such a member as the hon. Solicitor General West such as had been heard, namely, that enough had transpired in the present debate to warrant the inference that some correspondence on the subject of a change of Ministry had taken place, when so much was admitted by a member of the Government were we to be told that particulars were a matter of indifference? was it not right that it should be known whether the proposition arose from a doubt as to the stability of the Government, or from a desire to strengthen it by the substitution of other gentlemen for some of its present members.[104] Whatever might be the object ... he said that, no one acquainted[105] with the watchful care which the English House of Commons exercises over the Imperial Government, no one acquainted with Parliamentary usage could entertain a single doubt as to the right of the house to[106] demand these explanations. For these reasons be thought that the proper course to be taken by the House would be to pass the motion for this Address.[107] He (Mr. Baldwin) would repeat his surprise at the manner in which the present question had been met; it may be that a majority will reject the motion, and that the members of the Ministry may continue to wrap themselves up in a dignified silence but to say that any member of the house would be satisfied by such a course would be to declare that the common rights of the house were not known or understood. The hon. member seemed to think that the responsibility of such a movement as that now in question is confined to the minister with whom it originates, not so, however, every public man is clothed with a certain responsibility, and[108] his hon. friend from Terrebonne[109], the gentleman by whom communications from Government ... ((were)) received, is decidedly responsible to his party and to the country, for his conduct in reference to such communications and should he think proper to decline entering into arrangements proposed he is bound to give his reasons for such a course to those who confide in his judgment to guide matters aright; he (Mr. Baldwin) had no doubt but if the hon. and learned member for Terrebonne were to consult his own convenience he would[110] be glad to be relieved from[111] the cares and responsibilities of[112] public affairs, just as he would have been glad to be relieved from them in 1842;[113] but he has no such choice, he was not then to consult his own case in a matter of this kind; no, he is, if he (Mr. Baldwin) might so speak, the index of his party, or in other words, he is the chosen leader of a great constitutional movement, and is bound to serve in that cause so long as his skill and ability is required[114]. As a public man he must be prepared to satisfy his friends--if such a proposal was ever made-- as to the grounds of his refusal to accept it. It was not for his own pleasure that he was placed by the country in the high position which he occupied; and it was due to his country that he should use it to its advantage.[115] He (Mr. Baldwin) was not a little astonished that the hon. Attorney General West should speak of discussing such a subject as a re-construction of the ministry, over a bottle of wine.[116]

MR. AT. GEN. DRAPER. - I did not admit that such had occurred.[117]

MR. BALDWIN: The learned gent. made a laughing allusion to it as a possible case; had such a course been suggested by the hon. member for Carlton (sic), or by the predecessor of the hon. Insp'r Gen'l in Huron, it would not be surprising for they had admitted having originated an address to the late Lord Metcalfe in precisely that way, but that the hon. and learned member for London should even suppose a case in which he should follow such an example was really a little too much; he (Mr. B.) knew that the Hon. Attorney General West was fond of a bottle of wine, and perhaps he (Mr. B.) himself would have no objection now and then to crack one, but he certainly would not think of making such the occasion of debating the grave question of a change in the government of a country. The hon. member concluded by reiterating that it was clearly the duty of the house to search into the grounds of the proposition spoken of, it was necessary to know upon whom the responsibility of making it rested, and who, if any, was to be blamed for rejecting it; nothing could be more unsatisfactory than the conduct of members in refusing explanation on the present occasion nor could any course be more calculated to shake the confidence of their own supporters and of the country.[118]

M. CHAUVEAU dit que la motion devant la chambre a mis quelques membres de la gauche ... dans une position embarrassante; les uns ont gardé le silence, les autres paraissent ignorer entièrement les choses dans lesquelles on les implique particulièrement.[119] ((He)) conceived that the people of the country were entitled to be informed, as to whether or not any such negotiations as those now mentioned had taken place. However, the silence of the Ministry as to the real question could not be misunderstood.[120] ((Ce)) silence ... équivaut à une réponse affirmative, il est trop facile de dire, non, lorsqu'on le peut, pour ne pas voir que les membres du cabinet se hâteraient de prononcer ce mot, s'ils ne craignaient pas de blesser la vérité.[121] If rumor had reported the facts differently from the exact truth, it was nevertheless quite clear that something had occurred very much like the reports. He conceived that the information sought for was necessary not only for the people at large, but for the parties into which the House was divided, especially, as it appeared to him, for the supporters of the Administration.[122] Les conservatifs ont tout autant d'intérêt que les réformistes à connaître les faits dont il s'agit. Il s'attend que les membres du Haut-Canada insisteront à demander une explication. S'ils ne le font pas, il le fera, lui, au nom de ses constituans.[123] He thought that if there were any persons in the House to whom these overtures had been made, they owed it to themselves and their party to endeavor to obtain permission to make the affair public. He went farther. He said that if anything had transpired from third parties which had caused the characters of these persons to be attacked, they had the full right--even in the absence of permission--to make the proper explanations. If they did not do so, he conceived that they would forfeit the confidence of the country.[124] Il demande

que si quelque membre possède des documens relatifs à l'affaire dont il s'agit, il soit tenu de les mettre au jour.[125]

MR. HALE supported Ministers in the stand they had taken. The House had given more attention to this ridiculous motion than it deserved. It would be best suited to its consequence for Messrs. Cameron and Cauchon, the mover and seconder of the motion, to take up an address themselves in a hired cab to the Administrator of the Government, and he (Mr H.) had no doubt they would get the answer they deserved.[126] ((He)) could not attach such importance to this motion, as the hon. member for the Fourth Riding of York does. He ought to have a fellow feeling with the members of the Ministry, when he remembers[127] the time when he had resigned, and his resignation was[128] tendered and[129] not accepted, and when he sat on the opposition benches. He should remember that at that time no questions were put[130] to him about the numerous rumours that were afloat then; no question was put until his resignation was accepted[131], and he himself announced it to the house.[132] The present rumour was based upon a mere newspaper report.... Is he ((Mr. Hale)) to take that as the basis for making such an enquiry as this, especially when[133] ((Mr. Cameron)) might himself have inserted ((the paragraph)) about ministerial changes, when he came down to the House and found the Government supported by[134] ministers ... so unanimous amongst themselves, and enjoying the unanimous support of[135] a stout body of allies[136] ((on)) his ((Mr. Hale's)) side of the House[137], who were still prepared to support them; they possessed the confidence of the Government, and what more could be required?[138] Had this motion the public good for its object, or was it not rather suggested by party feeling, and a desire to manage the Ministry? Was the House to be delayed with such measures, which could have no public end, unless it were the embarrassment of the men who were supported by that side of the House?[139] The motion was made ... for no good purpose.[140] The hon. member for Terrebonne had asked, suppose a member of the government had, in all sincerity, made a proposition to a member of the opposition, and had in the course of conversation, discovered his views and feelings, would it be fitting or proper that he should go further?[141] Suppose that any member of this House should discover the ministry entering into negociations (sic) with any of the members of the opposition, would he be bound to make any enquiries regarding it in the House might he not keep it to himself, if he thought it was done in sincerity[142]? Now, his (Mr. Hale's) answer to that question would be this[143]: it was no use to go into further inquiries; suppose that the correspondence had taken place and they had really entered into negociation (sic), I say that we should wait till once it was announced by the Ministry[144]; in such a case it would be legitimate to suppose that the party making the proposition was stopped because he found the principles of the party to whom they were made diametrically opposed to those upon which he wished to conduct the government. If such a proposition, however, had been made, it was only in accordance with the uniform policy of the ministerial side of the house, who[145]

do not want a party government[146] ((and)) had never desired anything better than to have the gentlemen of the opposition come over to assist them[147] ((in forming)) an able ministry for the good government of the Province.[148]

MR. ARMSTRONG - I do not Mr. Speaker, rise very often in this House, but I have a few words to say on this subject.[149] ((He)) supported the motion, and for this reason[150]: ((he)) thought it very natural that hon. gentlemen from Upper Canada, who had no objection to the views of Lower Canadian members of French origin, should have attempted to form a union which would possess the confidence of the entire country. There was nothing strange in those gentlemen coming forward and saying, we do not wish to coerce you into our views - is there not some method by which unanimity may be produced?[151] If any member on this side of the House has received overtures from the Administration or any influential member thereof which might lead to the introduction into the Ministry of men whose principles would represent the feelings of the inhabitants of Lower Canada, it ought to be known, because we at present are not represented in the Councils of the Province[152] and he thought that it was due to the country on the one hand, that it should know whether any attempt had been made to give the population of that part of the province a fair share in the business of the Government[153] and, therefore we should have an opportunity of deciding whether those overtures were of such a nature as should have been entertained. The votes taken on every division show that we are distrustful of every measure brought up by men who misrepresent us, and therefore the hon. member for Cornwall might well say that we cling together because united we stand and divided we fall. Yes, Mr. Speaker, I say it and the House knows it that we have no confidence in those gentlemen opposite who are said to represent Lower Canada in the Executive Government[154], and it was for that reason that he found no fault with the persons - if any there were - who had made such a proposition as that which they were now discussing.[155] I can well understand that feeling, that generous philanthropy found generally in man, should at last prompt some one member from Upper Canada to attempt to do some justice to us Lower Canadians and therefore it is, that I want to know upon what principles he proposed doing so. Why stifle an enquiry into the matter?[156] ((It)) was but just to members of the House to whom these overtures were said to have been made, to have the matter so explained that they might be relieved from the heavy responsibility of having - from motives of pride, or from any other motives - refused an arrangement that was so much to be desired.[157] For his part, he said that the man who ... should refuse such an offer, would incur a very heavy responsibility ... ((and)) should come forward and show that he had some legitimate reason for declining to accept it. Something had been said about ((the)) loyalty[158] of Lower Canada, a great hue and cry has been raised about our Loyalty[159], and there was a good deal to be said on that subject with respect to the militia laws[160], but sir, if the truth must be told in this House I

dare to tell it[161]. Let troubles occur on the frontier, and it would be seen that[162] the men placed as leaders, as the captains of Lower Canada, under the advice I must suppose, of those men who represent the affairs of Lower Canada, would be the first to be shot. Loyalty, true Loyalty is not blind and[163] it was of some consequence that the people should have confidence in their leaders,[164] and that should commence in this House,[165] and that the leaders ... should have some confidence in the government[166], otherwise things will go on worse and worse.[167]

MR. CAMERON said, that he desired to say something in defence of his reason for introducing this motion.[168] ((He)) had remarked at the commencement, that he took the course of proposing this motion, because no answer had been given to the question which he had asked in debate on a preceding occasion.[169] Therefore he ((had)) found himself called upon to oppose the address to His Excellency.[170] He had been asked to produce precedents for the course he proposed, and[171] he had searched, and found several precedents which are in point, and in which demands of the kind were met by a gracious answer.[172] He should without entering further into the examples cited by the hon. member for the Fourth Riding, only refer to one case in the British Parliament. (Here the honorable member quoted a question put to the Administration, as to the reason of the Duke of Wellington's frequent attendance at Cabinet Councils, at a time when he was not in the Ministry).[173] The Hon. Atty. Gen. West did not deny the rumor on which he (Mr. C.) had based his motion; but,[174] had denied his (Mr. Cameron's) right to put this motion, on the ground of a supposition of his own. The honorable gentleman had presumed that the communications, of which copies were applied for, must necessarily be official communications; but this was not the fact, on the contrary, the words of the motion expressly referred to unofficial overtures. The hon. Attorney General had also found fault with his reference to a newspaper paragraph[175]. He said he believed that an unfounded rumour might be got into the Montreal papers by the Ministry here; but could it be believed that a rumour like the following could be got into the London Times, unless it had been founded on fact, viz.: That Sir Robert Peel had written to Mr. Macaulay to this effect, that he wished him to communicate with Lord John Russell[176] ((and)) certain members of Parliament who usually voted in opposition--[177] in reference to their taking a seat in the Council, as Sir James Graham and Lord Stanley were getting too old and unfit for the business of the country[178] and ... it was of little or no consequence as to what was done with the existing law officers.[179] (Cheers and laughter.) Would the Hon. Attorney General venture to say that such a rumour could be got into the London papers, unless it was founded on fact, or there was some real reason for the rumour? In the present case the rumours had appeared in a Conservative Journal, those rumours had not been denied. The Solicitor General (Mr. Sherwood) had admitted that he believed that some correspondence had taken place although he knew nothing of

it.[180] That was the nature of the rumors which he heard, and it was well that conviction of their truth had come to the minds of some members of the Government--it was to be hoped they would come too, to some other members, and if they did so, then his object would be accomplished. He hoped, however, that even yet, the question would be answered by the ministry, and if it were not, he trusted that some member of the opposition would answer it for them.[181] This House had a right to know the particulars and hon. members would not discharge their duty to the country unless they insisted on having the correspondence.[182]

COL. PRINCE said, he had a notice conveyed to him that he would be required in his place, on account of a motion his Hon. friend from Lanark had introduced.[183] ((He)) considered the motion altogether out of order - as an unusual proceeding even where actual correspondence had taken place; but when founded on a mere rumour in a solitary newspaper, it was unprecedented.[184] He thought that a motion more indicative of the ignorance of its author was never made in that House. The hon. Solicitor General (West) had well described it as impertinent, and he (Col. Prince) would add, that it was[185] bold[186] ((and)) equally ignorant.[187] Are we to call upon the Government to explain conversations which have taken place out of the House? It is quite an unconstitutional mode of procedure. The motion of the hon. member for Lanark shows the most consummate ignorance of constitutional law. The Lower Canada members are thoroughly and fully represented in the Government. It is perfectly absurd to say that they are not. He (Col. P.) maintained that the motion is quite unconstitutional. As well might an address to the Queen be proposed in the House of Commons relative to the oppointment of ladies of the bed chamber.[188] The whole foundation of the motion was rumour and was this House on mere report to pass an address demanding a correspondence which probably does not exist.[189] He remembered the time when certain overtures were made to Mr. Girouard on the recommendation of the hon. member for Terrebonne[190] by the deified Sir Charles Bagot[191] when, as report said, that gentleman was to be placed at the head of Government. From all he had heard, Mr. Girouard was a very able, clever man, and he was also, it appeared, too prudent - as the hon. member for Terrebonne was about the same time - to undertake the charge[192], for he declined the offer. It was quite possible that the hon. learned member for Terrebonne had also refused.[193] Was ever such a thing heard of as a question being asked of Government, relative to the negociation (sic) which had taken place with him.[194] The present motion was brought forward to embarrass the Government; the hon. member had discovered a mare's nest and had occupied the House[195] that night for three hours at an expense of about £50 on the most absurd question that was ever thought of up in the lumber country about Lanark.[196]

MR. AYLWIN. - The hon. member from Essex has shewn himself as ignorant as he has characterised the hon. member for Lanark. If he had referred to the 56th page of the journals of the 2nd Parliament of

Canada he would have found a letter from His Excellency, the late lamented Sir Charles Bagot.[197] Mr. Aylwin read an extract from the journals, to show that, instead of no question having been asked, with reference to the negotiation which took place with Mr. Girouard, a question of that kind was asked by the hon. gentleman, now the member for Montreal. He, therefore, considered that the House had precedent, and warrants for the course proposed by the hon. member for Lanark. For his own part, however, he should decline to give any vote on the question on account of the peculiar position in which he stood with regard to it. If he gave his vote one way, he might lay himself open to an accusation of one kind, and if he gave it the other, he might lay himself open to an accusation of another kind, and he should therefore refrain from voting at all.[198] ((He)) hoped that the House would excuse him from voting[199]. The hon. member left the House immediately he had concluded his remarks.[200]

MR. MORIN said that he differed from the hon. gentleman who had just spoken; he (Mr. Morin) was not afraid to give his vote on the question[201] for the people had, for two years and a half been treated as if there was no country at all. As if a Ministry, who were supported by a majority of the House, but opposed by the majority of the people, were the only persons who had any feelings. As if those only were to be regarded who professed confidence in the Government. He confessed that he was not one of those who thought that this state of things ought to--or could continue in this country. He believed it could not be tolerated, that a government should exist much longer which had followed with slanders and reproach all who differed from it. Who had--in the answers to addresses from the people put into the mouth of the Governor-General--by means of the public press, and in every other way--vilified those who had preceded them. He was not afraid of hearing whatever came from the other side of the House, and he must say that[202] had such a motion as this been made in England, and met as it had been, it would have been the supporters of the Government, and not the opposition, who would have insisted on the information being given, and[203] ((there)) he believed, the supporters of the Administration would unite with the opposition to force this address through the House. He believed, that in England an Administration which would shun to give these explanations could not stand one moment in the eyes of the country. It was not to supposed that the Government was to trifle with the representatives of the people--whether in the majority or minority. If there had been any such thing as the rumors indicated--[204] ((and)) it had been admitted by the Solicitor General West, that there was a correspondence with respect to a change of ministry[205] (cries of no, no.)[206]--

MR. SOL. GEN. SHERWOOD had admitted nothing. It was impossible for him to admit a thing of which he had no knowledge.[207]

MR. MORIN thought that was no great consequence.[208] The hon. gentleman had admitted that he believed that a correspondence had taken place. If such were the case, the house and the people of

Canada were interested in the subject, and were entitled to be made acquainted with it.[209] The point to which he desired to come was this, that if such a thing had happened it could only be held to be of a private nature, in case all the conditions which could give it that character had been scrupulously attended to. He thought that in England the man who stood in the position which the hon. member for Terrebonne was understood to hold would be obliged to give the fullest explanations.[210]

MR. DRUMMOND did not at first intend to take part in the debate, but from what had been said conviction had gradually forced itself upon his mind that[211] something had taken place in which the country was deeply interested,[212] something had actually occurred in the way of negotiating a change in the present Ministry - and he could not, therefore,[213] as the representative of an important part of the country,[214] give a silent vote[215] ((but)) asked for an explanation[216]. According to his (Mr. Drummond's) view of Constitutional Government, no Minister had a right to make such proposals as those referred to wholly of himself, - he must either have the direct sanction of the head of the Government, or must be impressed with the conviction that such approval exists[217], ((or)) he ... must ... admit ... that he was acting upon his personal belief that the Government could not be carried on successfully by himself and his colleagues. Now was it contended that the country was not justified in desiring to know whether the Administrator of the Government was not convinced that those who were assisting him did not possess the confidence of the country, or of one another?[218] Why then should Ministers claim the protection of secresy (sic)? Common sense would show that if there was a supposition that a change in the present Ministry was contemplated the country had an interest in enquiring. The quasi admission made by the hon. Sol. General West, and the coyness of the hon. Attorney General West in answering, or rather the skill he evinced in evading the question, was to him (Mr. D.) sufficient proof that the view had been entertained of reconstructing the present Ministry. (Hear, hear.) But it had been said by hon. members opposite that there could be no object in putting the present question.[219] He did not like to oppose anything which came from Upper Canada, because he believed that part of Province was fairly represented.[220]

Cries of hear, hear, from the Ministerial benches.[221]

MR. DRUMMOND said, it was to be assumed, that that part of the country was represented fairly; but when he was asked by an Upper Canadian member what interest the House had in getting those explanations, he must rely (sic) that he thought that it had a great interest, and that none had a greater, than those honorable gentlemen who sat on the other side of the House.[222] He would ask them had they no interest in a strong Government - (hear, hear) - and was the present Government strong? Has it the confidence of Lower Canada.[223] When the honorable member for Essex asserted that the Lower Canadians were represented, he supposed that the honorable member referred to

the House, for as to the Government representing them in any way, it was only necessary to look at the divisions, to prove the contrary. The Ministry had six member from Lower Canada to support them while there were no less than thirty who regularly opposed them.[224] Such is the influence of that portion of the ministry belonging to Lower Canada, - those gentlemen who required the unheard of time of 12 months to secure their seats.[225] He said that was an additional reason in favor of this motion--he said that Lower Canada being unrepresented, it had a right to know whether any endeavors had been made to meet the views of the large and respectable minority which was sent to Parllament (sic) by that section of the Province.[226] He (Mr. D.) thought the House was highly interested in ascertaining whether any negociations (sic) had taken place; the fact must be revealed[227], let the House hear no more of secresy (sic). Secresy (sic) was the safeguard of despotic Government, but it was publicity alone which could maintain a free[228] constitutional[229] Government.[230] If members of the Government shrink from disclosure, he (Mr. D.) hoped that the hon. and learned member of the opposition who was supposed to be a party to the proceedings in question, would not remain silent; that hon. gentleman owed it to his party, he owed it to the House, and he owed it to his own high and dignified character, - that character for which he was selected as the proper person to treat with, - to prove that his conduct in the affair was worthy of his position. - He (Mr. D.) would ask one more question. Were the members of the administration belonging to Lower Canada not interested in enquiring how far they were confided in by their colleagues? He would leave that to be answered by themselves.[231]

MR. INSP. GEN. CAYLEY desired to ask one question of the hon. member for Saguenay. The hon. member, he thought, had said that he had gained from the remarks of some of the Ministry that night, that there was something like division among them?[232]

MR. MORIN said, not from the Ministry, but from the hon. Solicitor General (West.)[233]

MR. INSP. GEN. CAYLEY would fearlessly assert, on the contrary[234], ((that)) the hon. gentleman opposite may rest satisfied[235] that Ministers had the most entire confidence in one another[236], that so far from there being any division in the cabinet, there was perfect unanimity. ... All the rumours [237] ((and)) the insinuations that had been thrown out, therefore, about throwing people overboard[238], about underminings, secret negotiations and divisions, were weak inventions of the enemy[239] ((and)) had no effect whatever upon them.[240]

MR. SMITH of Frontenac said that the hon. member for Berthier had stated that the people of Lower Canada were not represented in the ministry,[241] the hon. member ... had only to look on his right to see the cause of Lower Canada being unrepresented.[242] He (Mr. Smith) thought that they could only blame themselves for this, for[243] the Lower Canadians had identified themselves with a small minority from Upper Canada[244]. Il a dit: "Vous vous plaignez que le Bas-Canada

est sacrifié à une minorité, c'est votre faute; pourquoi ne vous joignez-vous à la majorité haut-canadienne, plutôt que de vous obstiner à nous imposer M. Baldwin qui n'a pas la confiance du Haut-Canada."[245] When he complained that the majority from Lower Canada were ridden over, he should recollect that at Kingston[246] the late ministry had[247] force((d)) unpalatable measures on the country[248]. By the aid of their majority from Lower Canada[249] ((and)) with a minority of Upper Canadians, ((they)) carried measures of the most obnoxious description,[250] against the wishes of the majority of the Upper Canada members,[251] among which was the Assessment Bill. He was not the man to desert his party, and, he said now, as the[252] members from Lower Canada have made so bad a selection as to unite with the hon. member from the Fourth Riding of York,[253] and the three or four more who supported him, they must take the consequence of their conduct.[254] They now reaped the consequence of their conduct at Kingston.[255]

MR. ARMSTRONG in explanation said, that he did not refer to men, but only to principles[256], ((whereas)) the hon. member's remarks applied rather to men than to measures. Of course he had his own opinions, but the question was not whether he followed Mr. Baldwin or Mr. Anyone-else; the question was whether an attempt had been made to carry out a plan which would admit Lower Canada to the Councils of the country. If it had then, he repeated, that the person by whose means it had failed, would incur a fearful responsibility.[257] He persisted in his assertion that Lower Canada was not properly represented in the ministry.[258]

MR. CAUCHON addressed the House in French, and demanded in strong terms the fullest information from any leader of the opposition who might have had any negotiation with the Government.[259]

MR. LAFONTAINE - As the leader of the administration, had neither admitted nor denied the existence of a correspondence of the nature alluded to, and as it was proposed to the House to proceed by an address to the Governor General, he (Mr. L.) if he were the member alluded to by the hon. member for Lanark, could not anticipate the answer to the Address, and following the example of the Attorney General, he had nothing to affirm or deny. He (Mr. LaFontaine) however would assure his friends that when put on his personal defence his conduct would be found in accordance with those principles of duty and honour by which it had hitherto been and always would be regulated, as well towards his political opponents as his friends.[260]

(34)

The question having been put upon the said motion, a division ensued,[261] *and the names being called for, they were taken down as followeth:--*

YEAS.

Armstrong, Baldwin, Berthelot, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Desaunier, DeWitt, Drummond, Franchère, Guillet,

Hall, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Méthot, Morin Nelson, Price, Roblin, Rousseau, Scott, Smith of WENTWORTH, Taché, and Watts.--(32.)

NAYS.

Boulton, Brooks, Cayley, Chalmers, Christie, Colville, Cummings, Daly, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Jessup, Johnston, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Monro, Papineau, Petrie, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, Williams, and Woods.--(38.)

So it passed in the negative.

Registry Bill (U. C.) — *Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to consolidate and amend the Registry Laws of Upper Canada.*

He accordingly presented the said Bill to the House,[262]

MR. BALDWIN, asked if this bill was in the same state, as it was, when it passed the House last session?[263]

MR. SOL. GEN. SHERWOOD said, that it was, except that it provided for the enregistration of all deeds at full length, and not by memorial[264], and was intended to operate in connection with the Hon. Attorney General's Bill, for simplifying the conveyance of real estate. He was not, however, obstinately wedded to this system, and should a majority of that House be in favour of registration by memorial, he was prepared to waive the point.[265] If it was the wish of the House, this question could be discussed when they came to consider the details.[266]

MR. BALDWIN said, he had strong objections to enregistering Deeds at full length. It is spreading out an individual's title, to the gaze of the whole world, and thus unprincipled speculators, who are very numerous in Upper Canada, had an opportunity of taking advantage, of unfortunate individuals.[267]

MR. AT. GEN. DRAPER. - There might easily be a difference of opinion on this question, but he (Mr.D.) was in favour of registering at full length. Society was more benefited by this mode, than by any others, as it makes a full disclosure of all encumbrances on real property.[268]

(34)

and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Address for more frequent — *Resolved, That an humble Address be presented to Her Majesty; praying that she will be*

mails from England. pleased to cause such measures to be adopted as will ensure to Her Majesty's subjects in North American Colonies a more frequent transmission of the Mails during the winter months by means of the Royal Mail Steamers, than is at present afforded.

Resolved, That a Select Committee composed of Mr. Robinson, Mr. Webster, and Mr. Christie, be appointed to draw up and report the draught of an Address to Her Majesty pursuant to the foregoing Resolution.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Christie,

Post-office report referred to Committee of nine. *Resolved*, That the Copy of the Report of the Commissioners appointed by the Imperial Government to inquire into the affairs of the Post Office in British North America, transmitted to this House yesterday by Message from His Excellency, the Administrator of the Government, be referred to a Select Committee of nine Members, to report thereon with all convenient speed by Bill or otherwise; with power to send for persons, papers, and records.

On motion of Mr. Stewart of Bytown, seconded by Mr. Macdonald of Kingston,

Address for correspondence relating to Vesting Act. *Resolved*, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to cause to be laid before this House any information he may have, or correspondence which may have taken place between the Provincial Government, the Colonial Secretary, the Master General of the Honourable the Board of Ordnance, or the respective Officers of the Ordnance in this Province, in reference to a Bill passed in the last Session of Parliament, and reserved for Her Majesty's pleasure thereon, intituled "An Act to explain and amend part of an Act passed in the seventh year of Her Majesty's reign, intituled 'An Act for vesting in the principal Officers of Her Majesty's Ordnance the Estates and property therein described, for granting certain powers to the said Officer,' and for other purposes therein mentioned."

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Authentic Actes Bill. *Ordered*, That the Honourable Mr. Viger have leave to bring in a Bill for better regulating the Formalities of Authentic Actes passed before Notaries.

He accordingly presented the said Bill to the House, and the same

was received and read for the first time, and ordered to be read a second time on Tuesday the seventh of April next.

MR. ROBINSON[269] moved for an address to His Excellency the Administrator of the Government, praying for certain information regarding the expenditure of the £30,000 granted by 4 Vic. cap. 26, for making and improving the Great Northern or Cold Water Road. The money had been granted in 1841, and as yet little or nothing had been done. The road was a very important one. A great deal had been expended in surveys, but as yet extremely little work had been done upon it.[270]

MR. BALDWIN said, that he would heartily support the motion of the hon. member for Simcoe. He had himself, during the course of last summer, had occasion to call the attention of the Government and the Board of Works to the subject of the road last referred to by the hon. member, as well on behalf of parties desirous of having it run along one line as those desirous of the application of the money to another. He was aware that in matters of this kind it was not possible to meet fully the views of all parties whose local interests might seem to be affected, but it was on all accounts important that the decision when arrived at should be felt to have proceeded solely upon the merits of the question itself. He had not yet learned what steps had been taken upon the subject by the Government or the Board of Works, but he trusted they would be prepared to give a satisfactory account of the matter at an early day. He had received an intimation that petitions would be transmitted to him on the subject, and he would say that nothing could be more important to a very large and valuable section of the country than the road in question, and it was therefore most desirable that the most judicious line should be selected. With respect to Mr. Lyons, who had made the survey, he knew nothing; he did not know him even by sight. It had been his duty to call the attention ((of)) the Board of Works to the objections made to that gentleman's report, as well as to the grounds upon which it was, by another portion of the inhabitants, deemed a proper one; and he was desirous of knowing how the subject had been dealt with, as much anxiety, he knew, existed respecting it.[271]

(34)

On motion of the Honourable Mr. Robinson, seconded by Mr. Lantier,

Address relating to the Expenditure on Huron Road from Toronto.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying His Excellency to inform this House respecting the expenditure of the thirty thousand pounds, granted by the 4th and 5th Victoria, chap. 28, "for improving the main Northern road from Lake Ontario at Toronto to Lake Huron."

1st. The amount expended by the Board of Works under Mr. Hawkins, for exploring and surveying the road from Bradford to Barrie, and for similar expenses on the road from Bradford to Barrie via Bond Head and the Essa Line.

(35)

2d. The amount paid for similar expenses to the above, on the Penetanguishine road, from Barrie to Penetanguishine.

3d. The amount expended in improving the Cold Water Road from the Village of the Narrows to Cold Water;--under the superintendence of Mr. Hawkins, distinguishing the amount expended for labour done on the Road, by contract or otherwise, from that paid for Salaries of Engineers, Overseers, Paymasters, and other Assistants.

4th. The amount expended in extending the Road from Cold Water to Sturgeon Bay, on Lake Huron, under Mr. Hawkins, shewing the amount paid for labour, and that for Superintendents, separately, as in the last, and also by what authority this extension of the Road was ordered.

5th. The amount expended in building and repairing the Bridge over the Narrows of Lake Simcoe, and making the Road from it to the Village of the Narrows, and also stating by what authority that expenditure took place.

6th. The amount expended in Exploring, Surveying, and Estimating for Work, on the Whitby and Lake Simcoe Road, by Mr. Lyons, during the past year, preparatory to expending the sum of two thousand pounds, granted during the last Session, for continuing the improvement of that Road.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Committee on Railway Bills appointed.

The Honourable Mr. Attorney General Draper moved, seconded by the Honourable Mr. Cayley, That a Select Committee of nine Members, composed of the Honourable Mr. Aylwin, Mr. Robinson, the Honourable Mr. Solicitor General Sherwood, Mr. Lantier, Mr. Cameron, Mr. Prince, Mr. Brooks, Mr. Taché, and Mr. Merritt, be appointed to consider what general provisions ought to be introduced into such Railway Bills as may come before the House during the present or future Sessions, for the advantage of the Public, and the establishment of a sound Railway system; and likewise to consider what standing orders the House should adopt in relation to Railway Bills, with power to consider of any arrangements advantageous to the Public with regard to existing Railway Companies generally, to which, in the opinion of the Committee, the Legislature might justly give its sanction.

Mr. Cameron moved in amendment, seconded by Mr. Prince, That the word "nine" in the said motion be struck out, and the word "eleven" substituted; and that the names of the Honourable Mr. Moffatt and the Honourable Mr. Morin be added to the said Committee.

The question having been put upon the motion of amendment, it was agreed to unanimously.

The question being then put on the main motion, as amended, it

was also agreed to, and

Resolved, Accordingly.

MR. AT. GEN. DRAPER,[272] pursuant to notice, moved the House as a Committee upon the Bill to amend the Assessment Law of Upper Canada. The Hon. gentleman explained, that in bringing forward this measure, he was imposing no new tax, and presenting no novel scheme.[273] He said that great, and he thought well founded, objections prevailed to the system on which property in Upper Canada was at present valued for the purpose of taxation.[274] The Bill had originated in long settled convictions of the inequality of the pressure of the old system - convictions which he had published ten years ago[275] in an address[276]; and not as some hon. gentlemen opposite would endeavour to make people believe in the Assessment Bill of the late Inspector-General.[277] At present all real property was valued at the same price, land in the neighbourhood of rivers and lakes and in cities, was not taxed more than wild land, though it was worth a hundred or a thousand times as much. This system was becoming more and more obnoxious as the country was rapidly improving, and therefore a change was loudly called for.[278] So long as the country was new and lands unimproved, the old system of taxation without retortion to value was well enough; but now it was not so, and it became a matter of justice no less than necessity to institute such a system, that the burden should be levied according to the actual value, whether that value arose from improvement, situation, or fertility of soil.[279] His views on this subject, for many years past, were not secret to many of the members around him.... The main object of the bill he intended to introduce, was to substitute for the arbitrary and nominal value, that was at present placed upon real property[280], the principle before suggested and approved of by Parliament[281] of ascertaining by certain means the actual value[282], ((thus)) making all lands pay according to their real value.[283] This system had been long pursued in England and other countries; nor was it new in the corporate towns of Upper Canada,[284] such a system was now in force in Toronto,[285] where it had been adopted and had ((been)) found to work well, and give general satisfaction. The subject had been before the House in 1841 and 1843, but had failed because it was endeavoured to fix the value according to situation - one range being rated higher than another range, or according to its proximity to roads, rivers, or towns. The next principle involved in the Bill, was the mode whereby the value of property was to be ascertained.[286] He (Mr. Draper) had an objection to the present Township officers, who were elected by the people[287]. He conceived that assessors should be appointed rather by some constituted authority;[288] appointed officers were, in his opinion more efficient than elected ones. The appointment of assessors was placed in the hands of the District Councils who were to make assessment districts[289]. In order to make the office of assessor worth the acceptance of qualified persons, he proposed to give the council the power[290] to divide their Districts into assessment divisions of one,

two, or more Townships, but not to divide Townships.[291] A collector was to be appointed for each of these districts.[292] The Bill included provisions for the census, militia returns, lunatics, &c. &c. There was yet another important consideration involved in the measure; it was the provision for appeal from the valuation of the Assessor; this was a principle well known in England[293], ((where)) an appeal was allowed from the valuation made for the poor tax.[294] He proposed not to compel inhabitants to come from a distance to one place to ascertain the amount of their assessment, and to appeal if they thought proper; but the Assessors were, upon valuing a property, to leave at the house of the proprietor a statement of the valuation[295], to secure to every tax payer, a knowledge of what he is assessed at, and to prevent him from being obliged to refer to the Assessment rolls for this information[296]. The District Councils were to appoint two Members of their own body to go from place to place, and in conjunction with a Justice of the Peace, to hear and determine cases of appeal.[297] This was but a general sketch of the measure that was about to be introduced. He (Mr. Draper) did not propose to subject any personal property to Assessment, which was now, by some law or other liable to taxation - every one acquainted with the subject must admit that a change in the mode of valuation, and in the manner of collecting the taxes was absolutely necessary.[298] His object was not to increase taxation, but to make it more equitable.[299]

MR. SMITH of Frontenac did not rise for the purpose of opposing the present motion, for he admitted that there was a great necessity of amending the Assessment Laws. But he wished to know if the Ministry were going to redeem the pledge they had made of relieving the people of Upper Canada from the charge of maintaining the Administration of Justice.[300] If not, he would not vote in favour of this bill?[301]

MR. AT. GEN. DRAPER said in reply to the question from the hon. member from Frontenac[302], that although agreeing in the principle of taking off that burden, the Administration had to be guided by their means. When the budget of the Hon. Inspector-General came down, it would be found that provision was made for the removal of a portion of that charge[303]. If he would wait till the estimates were laid on the table ... he would receive all necessary information on the subject.[304]

(35)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Cayley.

Assessment Bill (U. C.) *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of amending the Assessment Laws in force in Upper Canada.*

The House accordingly resolved itself into the said Committee, Mr. Gowan took the Chair of the Committee,

MR. BALDWIN said -- He was happy to give his support to the general principles of the Attorney General's measure, which were exactly similar

to those of the Assessment Bill[305] which the late ministry had brought into the House during the last Parliament,[306] a measure which had been made the subject of charges against them previous to the late elections, and which formed part of that system of misrepresentation by all parties, from the head of the Government to the lowest understrapper.[307]

MR. CAMERON was surprised that his hon. and learned friend from the Fourth Riding of York had not noticed the important difference between the measure proposed by the Attorney General and that of the late Ministry. He (Mr. Cameron) thought it probable that the present measure would be more acceptable to hon. gentlemen opposite, but he was sure that the people generally would not like it as well. The present measure threw all the weight of taxation on real property - that is, on the farmers. Personal property - that is, the property of the lawyers, merchants, fund-holders, and other capitalists - was to be exempted from taxation. Against such a principle he, (Mr. Cameron), as the representative of a large agricultural population, would enter his protest; and he warned hon. gentlemen opposite not to commit such an act of injustice to the farmers.[308]

MR. BALDWIN explained that he had no reference to details when he expressed his approbation of the principle of this bill. He entirely concurred in what had fallen from his hon. friend from Lanark, and he only meant to approve of the general principle of taxation according to value.[309]

MR. BOULTON. - He was not surprised that hon. gentlemen opposite should speak with approbation of the Assessment Bill of the ex-Ministers, but it told sadly against them at the last elections. (Hear, hear.) That bill proposed to tax almost every description of property; the goods in a man's store, the very clothes on his back, his book debts, promissory notes, etc. Nothing of this will be found in the bill of the present ministers. Another cause of dissatisfaction was that the bill did not apply to Lower Canada.[310]

Ironical cheers from the opposition.[311]

MR. BOULTON ((continued)) He ... could see no good reason why Lower Canada should not have an Assessment Law as well as Upper Canada. It would be very unfair that Upper Canada merchants should be taxed and Lower Canada ones exempted. He (Mr. B.) would support the present measure, the principle of which he approved, and which was divested of the objectionable details of that introduced by the hon. gentlemen opposite.[312]

MR. WILLIAMS had always been an advocate of taxing property according to its value. The Bill of the late Ministry was an inquisitorial one, and taxed all sorts of personal property. It was one that ought never to have been introduced into a free country.[313] He trusted that the Bill about to be introduced would be free from these inquisitorial clauses.[314] If there was anything in the present bill about the payment of the administration of justice in Upper Canada he would oppose it in all its stages.[315] ((He)) desired to have the provisions of the bill extended to Lower Canada as well as to Upper Canada, so

that the tax which had hitherto been charged on the Upper Province for the administration of justice should be equally borne by both sections.[316]

MR. JOHNSTON said a few words about "equal justice to both Provinces,"--he deprecated any distinction being made between Upper and Lower Canada.[317]

MR. HALL opposed the Bill, and would always oppose it. He disliked taxation for local or any other purposes.[318] He had entertained hopes that the Ministry would have introduced a bill to relieve the people of Upper Canada from all the present taxes instead of one to impose additional ones. There was quite sufficient revenue obtained at the ports from the Customs to pay all the expenses of Government, and if more money was obtained from the people it would be squandered as heretofore.[319] He thought indirect taxation the most fair method, for then he who consumed the most, paid the most.[320] He hoped that the members from Upper Canada would oppose the measure in all its stages.[321]

MR. J. S. MACDONALD, of Glengary (sic), was astonished to hear the sentiments just expressed by the hon. member for Peterboro! Did he suppose that the people could manage their local affairs without taxation? The surest sign of the prosperity of a people was taxation when laid out under the supervision of the people themselves for their own benefit. These taxes were not intended to defray the general expenditure of the Province, but for strictly local purposes. The hon. member must be aware that in many of the States of the Union railroads and canals have been constructed by means of local taxes. It was idle to suppose that the general revenue could be applied to the maintenance of our local roads and bridges and common schools. There must be taxes, and he (Mr. M.D.) should support any measure calculated to render the mode of assessment more equitable to the agricultural population.[322]

MR. HALL explained that he was not opposed to the equalization of the system of Assessment, had (sic) to taxation of any kind.[323]

MR. ROBINSON after what he had heard from many hon. members could have no doubt that there were too many lawyers in the house, they had joined together two subjects quite distinct, the Assessment laws and the administration of justice; he (Mr. R.) had just received a Petition praying for such a measure as that proposed, and which should have his hearty support.[324] ((He)) also argued that the bill of the ex-ministers was very different from the one now proposed, inasmuch as this house imposed no tax except on such property as had always been burdened, while that levied assessments not only upon every article of furniture, however trifling, but also on the income of every class throughout the country.[325]

COL. PRINCE - The question in discussion was not whether this person or that was to be taxed, it was only whether taxes were to be raised or not; the practice in England was to tax property according to its value, it was an equitable principle, and should have his cor-

dial support.[326]

MR. PRICE. - The manner in which the hon. and learned member for Toronto has spoken regarding the Assessment Bill of the late Ministers proves clearly that he does not understand it, and also affords evidence as to the mode in which it had been used for electioneering purposes. (Hear, hear.) By that bill it was not proposed that all personal property should be assessed; on the contrary, household furniture, farming implements, and mechanics' tools, to the extent of £250, were exempted from taxation. All the outcry about taxing the poor farmers was mere electioneering trickery (Hear, hear.) Not one farmer in ten would have been subjected to any personal property tax whatever under that bill, whereas, under the present system, and that which the Hon. Attorney General proposes to continue, he is taxed for his horses, cattle, carriages, etc. etc., although the rich capitalist pays nothing whatever. But the Assessment Bill imposed no new tax, as the hon. member knew perfectly well. It simply provided for the equalization of the present taxes. (Hear, hear.) It would have increased the taxes of those well able to pay, and diminished those of the poor and middling classes of the population, (Hear,) And hence the outcry made against it by interested parties, whose motives were now thoroughly appreciated by the country. (Hear, hear.) Hon. members had thought proper for electioneering purposes, to mix up with the Assessment Bill the question as to the mode of paying the expenses of the administration of justice in Upper Canada, although the two questions were totally distant. The expenses attending the maintenance of gaols, &c. were provided for by the law of the land - they had been paid out of local funds for many years before the introduction of the Assessment Bill of the Ex-ministers, and had been so paid ever since. This was not the time to discuss the question as to whether they should be so paid in future. The object of the present measure was to determine on the best mode of assessing property; and the introduction of the administration of justice expenses was a maneuvre (sic) for the purpose of exciting prejudice against the Ex-ministers. The Hon. Attorney General had wisely adopted the same course that his predecessors had been so much abused for following, and had disconnected this subject altogether from the Assessment Bill. He (Mr. P.) would support the principle of the hon. and learned gentleman's measure, but would not consent that the whole taxation should be thrown upon the farmers, and that professional men and merchants should be exempted therefrom.[327]

MR. ROBLIN - The present measure had nothing at all to do with taxes - the people must be taxed - they want to have roads, schools and other improvements which require an expenditure of money, and as long as they have the power of managing their own affairs, and raising just such an amount of taxes as they themselves required in their several localities, he (Mr. Roblin) was not afraid of over taxation. There was no question at present as to taxation, the question was to the mode of assessing property for taxation, a subject altogether different. He (Mr. Roblin) was well aware of the prejudices which

had been got up against the bill of the Ex-Ministers regarding which so much had been said - a feeling had been got up which induced the members to urge the Ministry which introduced that measure to abandon part of it which provided for assessing personal property. He (Mr. Roblin) had gone before the people in his county, and had endeavoured to allay the excitement by assuring them that this part of the bill had been abandoned. But he was told by one and all - if you take out the clauses assessing personal property, you will spoil the bill, you must make no such amendments which will prove injurious to the agricultural interests. He (Mr. Roblin) was prepared to support any measure having for its object the equalization of the taxes.[328]

MR. AT. GEN. DRAPER believed it was no secret that the principle of the equalization of taxation had been advocated by himself long before the administration of his hon. friend came into being.[329] His opinion ... was well known at least ten years ago[330]. In answer to some observations from his own side of the house, he had to say that he imposed no new tax[331] in Upper Canada, for the statute passed in 1819 enforces the principle of taxation. He (Mr. D.) did not desire to impose new burdens upon the people, but to make those already imposed more equal. The administration of justice in Upper Canada had been paid for, by the people, since 1798[332]; he thought that the house would see at once that ... ((this)) question ... was entirely distinct from the one then before the house. He took the opportunity, however, of making the observation, that his own opinion was, that the administration of justice ought to be paid out of the general, instead of the local, funds of the province[333]. He was prepared to admit as a principle that Upper Canada should be relieved from the charge although it would be impossible consistently with the engagements of the Province and with justice to other portions of the population to relieve the people of Upper Canada immediately from this burden.[334] He was not prepared to make any alteration in the ancient system until he could propose a remedy.[335] When however the Inspector General laid before the House his financial statement, the views of the administration would be known.[336]

The Bill was the cause of remarks from the Opposition, on the misrepresentation which had been made use of, in the elections, against the late Ministers, particularly as regarded a similar measure to the one before the House.[337]

MR. DUGGAN denied that any misrepresentation had been made use of at the hustings.[338] ((He)) would read from the bill itself the provisions relating to the assessment of personal property (the hon. member read a clause of the act.) It was these inquisitorial provisions which had rendered the bill so unpopular.[339] Mr. Hincks' Bill was a most iniquitous measure; and it was upon a fair understanding of it, the Secret Societies Bill, and other measures of the late Ministry, after a trial of two years, the people rejected them, as unworthy of confidence. Mr. Hincks' Bill enabled assessors to intrude in families,

examine furniture, pry into drawers, inspect accounts, and levy taxes upon all that a man could be possessed of, even his stock, book-debts, and obligations.[340] He (Mr. Duggan) felt called on to deny the assertion of the hon. member for the 4th riding regarding the Ex-Ministers having been misrepresented. No, Mr. Chairman they lost public confidence by their measures, the Secret Societies Bill, the Assessment Bill and others of a character so objectionable that they excited general disgust.[341]

MR. WILLIAMS wished to say a word or two after what had fallen from the hon. member for Prince Edward. A strong objection to the bill was that all personal property, and incomes were taxed. At that time the Ministers who were in the receipt of enormous salaries had determined on the removal of the Seat of Government and were about to leave for Montreal where they would be exempted from taxation. (Hear, hear and laughter.)[342]

MR. MERRITT said, that the principle of the present bill met with his approbation, but he thought, that the Inspector General ought to have brought down his budget first, and then this measure could have been taken up more appropriately as they would then see, whether Upper Canada could be relieved of the expense of supporting the administration of justice. He (Mr. Merritt) thought that Upper Canada was too much taxed. The District of Niagara with a population of only 30,000 pays £9000 of taxes. He (Mr. Merritt) was in favour of the principle of taxing capital whether land or other property, and he thought that the present measure would not go far enough.[343]

MR. SOL. GEN. SHERWOOD said - This bill imposes no taxes, it only carries out the principle that has been found to work so well in Toronto, of assessing property according to its value. It avoids the numerous articles that were included in the late Ministry's bill, which was in his opinion, an inquisitorial bill, and was, as respects Upper Canada, most unpopular, and would have damaged any ministry that would have passed it.[344]

(35)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Gowan reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Oxford Election.

Members excused for non-attendance.

Mr. Lacoste.

According to order, Louis Lacoste, Member for the County of Chambly, who was absent on the twenty-sixth instant, from the Select Committees appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parlia-

ment; and of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford; attended in his place in this House.

Mr. Lacoste rose in his place,[345]

MR. LACOSTE made oath that he had been seriously indisposed at the opening of Parliament, but that he might have attended subsequent meetings of the committee had he been aware of the stringent provisions of the Upper Canada election law.[346]

(35)

and having given satisfactory reasons for not being present at the meetings of the said Select Committees, and having verified the same upon oath,

On motion of Mr. Chauveau, seconded by the Honourable Mr. Baldwin,

Resolved, That Mr. Lacoste having given satisfactory reasons for not being present on the twenty-sixth instant, at the meetings of the Select Committees for the trial of the Contested Elections for the Counties of Middlesex and Oxford, and having verified the same upon oath, he be now excused for such non-attendance.

Mr. Smith, of Frontenac.

According to Order, Henry Smith, Esquire, Member for the County of Frontenac, who was absent on the twenty-fifth and twenty-sixth instant, from the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, attended in his place in this House.

Mr. Smith rose in his place,[347]

MR. SMITH rose in his place and stated that he believed the Oxford Committee dissolved, and had consequently felt it his duty not to attend; he was ready to make oath to this if required.[348]

On this a conversation ensued relative to the proper mode of proceeding in the case.[349]

MR. GOWAN at first proposed that the consideration of the excuse should be postponed until Monday, when the House was to decide whether the committee was actually dissolved or not.[350]

MR. AYLWIN objected that no statement of facts on oath as required by the statute had yet been made.[351] ((He)) contended that the excuse was not sufficient, and it should not be received; and talked of committing the honorable gentleman to the custody of the Sergeant-at-Arms.[352]

MR. SMITH then made an affidavit before the Clerk that he believed the Committee dissolved.[353]

MR. AYLWIN and MR. BALDWIN contended that this was no statement of fact as required by the law.[354]

MR. GOWAN moved that the excuse be accepted.[355]

MR. AYLWIN then moved that the consideration of the question be postponed until Monday[356].

((A division took place,)) in which the Opposition was beaten.[357]

MR. AYLWIN contended that the motion was irregular; that the law imperatively required a statement of facts on oath.[358]

MR. SPEAKER, SIR A. MACNAB, considered the motion irregular, and read from the act to shew that there must be a statement of facts to justify the absence which had not yet been made; he would recommend the House to postpone the consideration of the excuse.[359]

MR. SOL. GEN. SHERWOOD regretted that the Hon. Speaker had not announced his opinion before the motion for postponement had been rejected.[360]

MR. AT. GEN. DRAPER read from the Journals several cases where excuses had been admitted without any record being kept of the facts.[361]

MR. BALDWIN thought that the law was imperative, and that after the decision of the Speaker there must be a statement of facts to warrant the House in excusing the hon. member. He (Mr. B.) wished it to be distinctly understood that he and his hon. friends had no desire to punish or annoy the hon. member for Frontenac but simply to take such a course as was required by law and to prevent any irregularity appearing in the Journals.[362]

MR. J. A. MACDONALD of Kingston, thought that the present difficulty had arisen from the affidavit not being correctly drawn. (Hear, hear.) His hon. friend from Frontenac should have stated on oath the fact that the Oxford Committee had sat three successive days without the requisite number, and that he therefore believed the Committee dissolved. He (Mr. McDonald) was of opinion that the Oxford Committee was not dissolved (hear, hear) but if he entertained the same opinion on that subject as his hon. friend from Frontencc he should have felt it his duty to abstain from attending the Committee. He would suggest to his hon. friend to amend his affidavit. (Hear, hear.)[363]

MR. SMITH, by consent of the House, put in a new affidavit, drawn as suggested by Mr. M'Donald, on which his excuse was admitted.[364]

And, by mutual consent, it was resolved that none of the prior proceedings should appear upon the Journals.[365]

(35)

and having explained the reasons for his not being present at the meetings of the said Select Committee, and having verified the same upon oath,

On motion of Mr. Gowan, seconded by Mr. Sherwood of Brockville,

Resolved, That Mr. Smith of Frontenac, having explained the reasons for his not being present on the twenty-fifth and twenty-sixth instant, at the meetings of the Select Committee for the trial

of the Contested Election for the County of Oxford, and having verified the same upon oath, he be now excused for such non-attendance.

Mr. Dickson. *According to Order, Walter Hamilton Dickson, Esquire, Member for Niagara, who was absent on the twenty-first, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth instant, from the Select Committees appointed to try the merits of the Petition of William Notman, Esq., of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parliament; and of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, sitting Member for the County of Oxford; attended in his place in this House.*

Mr. Dickson rose in his place,[366]

MR. DICKSON then put in an affidavit to the effect that he left home in time to attend to his parliamentary duties, but that he had been unable, owing to the badness of the roads in the United States, and the irregularity of the conveyances, to reach Montreal until yesterday.[367]

(35)

and having given satisfactory reasons for not being present at the meetings of the said Select Committees, and having verified the same upon oath,

On motion of Mr. Williams, seconded by Mr. Petrie,

(36)

Members excused for non-attendance.

Mr. Dickson.

Resolved, That Mr. Dickson having given satisfactory reasons for not being present on the twenty-first, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth instant, at the meetings of the Select Committee for the trial of the Contested Election for the County of Middlesex, and having verified the same upon oath, he be now excused for such non-attendance.

On motion of Mr. Chauveau, seconded by the Honourable Mr. Baldwin,

Resolved, That Mr. Dickson having given satisfactory reasons for not being present on the twenty-first, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth instant, at the meetings of the Select Committee for the trial of the Contested Election for the County of Oxford, and having verified the same upon oath, he be now excused for such non-attendance.

Members called and did not appear.

Mr. Bertrand, Member for the County of Rimouski, having been called, according to Order, did not appear.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Daly,

The House adjourned until Monday next.

FOOTNOTES - 27 MARCH 1846.

1. The debate on this motion was reported by: KINGSTON NEWS, 6 April 1846, which acknowleged the MONTREAL HERALD as its source, COBOURG STAR, 8, 15 April 1846, and BRITISH COLONIST, 7 April 1846, in accounts identical except that the COLONIST's account was briefer and omitted certain speakers; LE JOURNAL DE QUEBEC, 31 March 1846; MIRROR, 27 March 1846, PILOT, 28, 31 March 1846, LE CANADIEN, 8 April 1846, and LA MINERVE, 2 April 1846, in accounts identical except that LA MINERVE's account contained additional French speakers and speeches, while LE CANADIEN's was quite abbreviated; KINGSTON NEWS, 2 April 1846, MONTREAL GAZETTE, 30 March 1846, and CHATHAM GLEANER, 6 April 1846, in accounts identical except that CHATHAM GLEANER omitted some speeches entirely. Commentaries are contained in PILOT, 28, 31 March 1846; KINGSTON NEWS, 6 April 1846; and L'AURORE, 1 April 1846. Cameron's speech was reported similarly in MIRROR, 27 March 1846, and MONTREAL GAZETTE, 30 March 1846, except that the MONTREAL GAZETTE's account was more detailed.
2. MIRROR, 27 March 1846.
3. MONTREAL GAZETTE, 30 March 1846.
4. KINGSTON NEWS, 6 April 1846.
5. MIRROR, 27 March 1846.
6. KINGSTON NEWS, 6 April 1846.
7. MIRROR, 27 March 1846.
8. KINGSTON NEWS, 6 April 1846.
9. IBID.
10. IBID.
11. MIRROR, 27 March 1846.
12. KINGSTON NEWS, 6 April 1846.
13. MIRROR, 27 March 1846.
14. KINGSTON NEWS, 6 April 1846.
15. MONTREAL GAZETTE, 30 March 1846.
16. KINGSTON NEWS, 6 April 1846.
17. MONTREAL GAZETTE, 30 March 1846.
18. KINGSTON NEWS, 6 April 1846.
19. MONTREAL GAZETTE, 30 March 1846.
20. KINGSTON NEWS, 6 April 1846.
21. MIRROR, 27 March 1846.
22. KINGSTON NEWS, 6 April 1846.
23. MONTREAL GAZETTE, 30 March 1846.
24. KINGSTON NEWS, 6 April 1846.
25. MIRROR, 27 March 1846.
26. MONTREAL GAZETTE, 30 March 1846.
27. MIRROR, 27 March 1846.
28. MONTREAL GAZETTE, 30 March 1846.
29. KINGSTON NEWS, 6 April 1846.
30. MONTREAL GAZETTE, 30 March 1846.
31. KINGSTON NEWS, 6 April 1846.
32. MIRROR, 27 March 1846.
33. MONTREAL GAZETTE, 30 March 1846.

LE JOURNAL DE QUEBEC, 31 March 1846, commented: "M. Lafontaine se leva alors et procéda par suppositions, par hypothéses, comme avait fait M. Draper."
LE JOURNAL DE QUEBEC, 31 March 1846.
LA MINERVE, 2 April 1846 .
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MONTREAL GAZETTE, 30 March 1846.
IBID.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
LA MINERVE, 2 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
LA MINERVE, 2 April 1846.
IBID.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
IBID.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
IBID.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
MONTREAL GAZETTE, 30 March 1846.
KINGSTON NEWS, 6 April 1846.
MIRROR, 27 March 1846.
LA MINERVE, 2 April 1846. MONTREAL GAZETTE, 30 March 1846, noted that: "MR. CAUCHON, à propos des bottes, made a furious attack upon the TRANSCRIPT in particular, and newspapers and reporters in general."
LA MINERVE, 2 April 1846.
IBID.
IBID.

79. MONTREAL GAZETTE, 30 March 1846.
80. LA MINERVE, 2 April 1846.
81. MONTREAL GAZETTE, 30 March 1846.
82. LA MINERVE, 2 April 1846.
83. MIRROR, 27 March 1846.
84. IBID.
85. KINGSTON NEWS, 6 April 1846.
86. MIRROR, 27 March 1846.
87. KINGSTON NEWS, 6 April 1846.
88. MIRROR, 27 March 1846.
89. KINGSTON NEWS, 6 April 1846.
90. MIRROR, 27 March 1846.
91. KINGSTON NEWS, 6 April 1846.
92. MIRROR, 27 March 1846.
93. KINGSTON NEWS, 6 April 1846.
94. MIRROR, 27 March 1846.
95. KINGSTON NEWS, 6 April 1846.
96. MIRROR, 27 March 1846.
97. KINGSTON NEWS, 6 April 1846.
98. MIRROR, 27 March 1846.
99. KINGSTON NEWS, 6 April 1846.
100. MIRROR, 27 March 1846.
101. IBID.
102. IBID.
103. KINGSTON NEWS, 6 April 1846.
104. MIRROR, 27 March 1846.
105. KINGSTON NEWS, 6 April 1846.
106. MIRROR, 27 March 1846.
107. KINGSTON NEWS, 6 April 1846.
108. MIRROR, 27 March 1846.
109. KINGSTON NEWS, 6 April 1846.
110. MIRROR, 27 March 1846.
111. KINGSTON NEWS, 6 April 1846.
112. MIRROR, 27 March 1846.
113. KINGSTON NEWS, 6 April 1846.
114. MIRROR, 27 March 1846.
115. KINGSTON NEWS, 6 April 1846.
116. MIRROR, 27 March 1846.
117. IBID.
118. IBID.
119. LA MINERVE, 2 April 1846.
120. KINGSTON NEWS, 6 April 1846.
121. LA MINERVE, 2 April 1846.
122. KINGSTON NEWS, 6 April 1846.
123. LA MINERVE, 2 April 1846.
124. KINGSTON NEWS, 6 April 1846.
125. LA MINERVE, 2 April 1846.
126. MONTREAL GAZETTE, 30 March 1846.
127. MIRROR, 27 March 1846.

128. KINGSTON NEWS, 6 April 1846.
129. MIRROR, 27 March 1846.
130. KINGSTON NEWS, 6 April 1846.
131. MIRROR, 27 March 1846.
132. KINGSTON NEWS, 6 April 1846.
133. MIRROR, 27 March 1846.
134. KINGSTON NEWS, 6 April 1846.
135. MIRROR, 27 March 1846.
136. KINGSTON NEWS, 6 April 1846.
137. MIRROR, 27 March 1846.
138. MONTREAL GAZETTE, 30 March 1846.
139. KINGSTON NEWS, 6 April 1846.
140. MONTREAL GAZETTE, 30 March 1846.
141. KINGSTON NEWS, 6 April 1846.
142. MIRROR, 27 March 1846.
143. KINGSTON NEWS, 6 April 1846.
144. MIRROR, 27 March 1846.
145. KINGSTON NEWS, 6 April 1846.
146. MIRROR, 27 March 1846.
147. KINGSTON NEWS, 6 April 1846.
148. MIRROR, 27 March 1846.
149. IBID.
150. MONTREAL GAZETTE, 30 March 1846.
151. KINGSTON NEWS, 6 April 1846.
152. MIRROR, 27 March 1846.
153. MONTREAL GAZETTE, 30 March 1846.
154. MIRROR, 27 March 1846.
155. KINGSTON NEWS, 6 April 1846.
156. MIRROR, 27 March 1846.
157. MONTREAL GAZETTE, 30 March 1846.
158. KINGSTON NEWS, 6 April 1846.
159. MIRROR, 27 March 1846.
160. BRITISH COLONIST, 7 April 1846.
161. MIRROR, 27 March 1846.
162. KINGSTON NEWS, 6 April 1846.
163. MIRROR, 27 March 1846.
164. KINGSTON NEWS, 6 April 1846.
165. MIRROR, 27 March 1846.
166. KINGSTON NEWS, 6 April 1846.
167. MIRROR, 27 March 1846.
168. IBID.
169. KINGSTON NEWS, 6 April 1846.
170. MIRROR, 27 March 1846.
171. KINGSTON NEWS, 6 April 1846.
172. MIRROR, 27 March 1846.
173. KINGSTON NEWS, 6 April 1846.
174. MIRROR, 27 March 1846.
175. KINGSTON NEWS, 6 April 1846.
176. MIRROR, 27 March 1846.

177. KINGSTON NEWS, 6 April 1846.
178. MIRROR, 27 March 1846.
179. KINGSTON NEWS, 6 April 1846.
180. MIRROR, 27 March 1846.
181. KINGSTON NEWS, 6 April 1846.
182. MIRROR, 27 March 1846.
183. IBID.
184. MONTREAL GAZETTE, 30 March 1846.
185. KINGSTON NEWS, 6 April 1846.
186. MIRROR, 27 March 1846.
187. KINGSTON NEWS, 6 April 1846.
188. MIRROR, 27 March 1846. KINGSTON NEWS, 6 April 1846, sardonically reported this segment of the speech as: "As well might the hon. mover, if he were in England, enquire of Queen Victoria as to whom she was about to appoint the first Lord of the Bed Chamber."
189. MIRROR, 27 March 1846.
190. KINGSTON NEWS, 6 April 1846.
191. MIRROR, 27 March 1846.
192. KINGSTON NEWS, 6 April 1846.
193. MIRROR, 27 March 1846.
194. KINGSTON NEWS, 6 April 1846.
195. MIRROR, 27 March 1846.
196. KINGSTON NEWS, 6 April 1846.
197. MIRROR, 27 March 1846.
198. KINGSTON NEWS, 6 April 1846.
199. MONTREAL GAZETTE. 30 March 1846.
200. KINGSTON NEWS, 6 April 1846. MONTREAL GAZETTE, 30 March 1846, observed: "The honourable gentleman here rose with an appearance of virtous embarrassment, and left the House."
201. MIRROR, 27 March 1846.
202. KINGSTON NEWS, 6 April 1846.
203. MIRROR, 27 March 1846.
204. KINGSTON NEWS, 6 April 1846.
205. MIRROR, 27 March 1846.
206. KINGSTON NEWS, 6 April 1846.
207. MIRROR, 27 March 1846.
208. KINGSTON NEWS, 6 April 1846.
209. MIRROR, 27 March 1846.
210. KINGSTON NEWS, 6 April 1846.
211. MIRROR, 27 March 1846.
212. KINGSTON NEWS, 6 April 1846.
213. MIRROR, 27 March 1846.
214. KINGSTON NEWS, 6 April 1846.
215. MIRROR, 27 March 1846.
216. KINGSTON NEWS, 6 April 1846.
217. MIRROR, 27 March 1846.
218. KINGSTON NEWS, 6 April 1846.
219. MIRROR, 27 March 1846.
220. KINGSTON NEWS, 6 April 1846.

221. MIRROR, 27 March 1846.
222. KINGSTON NEWS, 6 April 1846.
223. MIRROR, 27 March 1846.
224. KINGSTON NEWS, 6 April 1846.
225. MIRROR, 27 March 1846.
226. KINGSTON NEWS, 6 April 1846.
227. MIRROR, 27 March 1846.
228. KINGSTON NEWS, 6 April 1846.
229. MIRROR, 27 March 1846.
230. KINGSTON NEWS, 6 April 1846.
231. MIRROR, 27 March 1846. MONTREAL GAZETTE, 30 March 1846, commented: "We could not help being struck with the curious anxiety shown by the Canadian members of the Opposition to join the Administration, and their anxiety to discover whether their leaders have refused office. The fact is, Lower Canada is tired of being in a minority; and Messrs. Armstrong, Drummond, and Morin did not hesitate to avow it."
232. KINGSTON NEWS, 6 April 1846.
233. IBID.
234. IBID.
235. MIRROR, 27 March 1846.
236. KINGSTON NEWS, 6 April 1846.
237. MONTREAL GAZETTE, 30 March 1846.
238. KINGSTON NEWS, 6 April 1846.
239. MONTREAL GAZETTE, 30 March 1846.
240. KINGSTON NEWS, 6 April 1846.
241. MIRROR, 27 March 1846.
242. KINGSTON NEWS, 6 April 1846.
243. MIRROR, 27 March 1846.
244. KINGSTON NEWS, 6 April 1846.
245. LE JOURNAL DE QUEBEC, 31 March 1846.
246. KINGSTON NEWS, 6 April 1846.
247. MIRROR, 27 March 1846.
248. MONTREAL GAZETTE, 30 March 1846.
249. MIRROR, 27 March 1846.
250. KINGSTON NEWS, 6 April 1846.
251. MIRROR, 27 March 1846.
252. KINGSTON NEWS, 6 April 1846.
253. MIRROR, 27 March 1846.
254. KINGSTON NEWS, 6 April 1846.
255. MONTREAL GAZETTE, 30 March 1846.
256. MIRROR, 27 March 1846.
257. KINGSTON NEWS, 6 April 1846.
258. MIRROR, 27 March 1846.
259. IBID.
260. IBID.
261. According to MONTREAL GAZETTE, 30 March 1846, "Several members of the Ministerial party were in the adjoining apartments when the question was put."
262. The debate on this matter was reported by: MONTREAL GAZETTE,

30 March 1846; BRITISH COLONIST, 7 April 1846; and BROCKVILLE RECORDER, 9 April 1846, MIRROR, 27 March 1846, and PILOT, 31 March 1846, in identical accounts. KINGSTON NEWS, 6 April 1846, copied the PILOT.

263. MIRROR, 27 March 1846.
264. IBID.
265. MONTREAL GAZETTE, 30 March 1846.
266. MIRROR, 27 March 1846.
267. IBID.
268. IBID.
269. The debate on this motion was reported by: MIRROR, 27 March 1846, and PILOT, 31 March 1846, in identical accounts.
270. MIRROR, 27 March 1846.
271. IBID.
272. The debate on this motion was reported by: MIRROR, 27 March 1846, PILOT, 31 March 1846, copied by KINGSTON NEWS, 6 April 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts; BRITISH COLONIST, 7 April 1846, ST. CATHARINES JOURNAL, 9 April 1846, and COBOURG STAR, 15 April 1846, in accounts identical except that the account in the STAR was shorter; MONTREAL GAZETTE, 30 March 1846; KINGSTON NEWS, 2 April 1846, and LE JOURNAL DE QUEBEC, 4 April 1846. PILOT, 28 March 1846, observed that Draper's resolution pledging the House to amend the Assessment Laws "gave rise to a long debate, which was most satisfactory to the supporters of the Assessment Bill of the ex-Ministers." Commentaries are contained in: PILOT, 28 March 1846, whose account was copied by BROCKVILLE RECORDER, 2 April 1846; and LE JOURNAL DE QUEBEC, 4 April 1846.
273. MONTREAL GAZETTE, 30 March 1846.
274. BRITISH COLONIST, 7 April 1846.
275. MONTREAL GAZETTE, 30 March 1846.
276. MIRROR, 27 March 1846.
277. MONTREAL GAZETTE, 30 March 1846.
278. MIRROR, 27 March 1846.
279. MONTREAL GAZETTE, 30 March 1846.
280. MIRROR, 27 March 1846.
281. BRITISH COLONIST, 7 April 1846.
282. MONTREAL GAZETTE, 30 March 1846.
283. BRITISH COLONIST, 7 April 1846.
284. MONTREAL GAZETTE, 30 March 1846.
285. MIRROR, 27 March 1846.
286. MONTREAL GAZETTE, 30 March 1846.
287. MIRROR, 27 March 1846.
288. BRITISH COLONIST, 7 April 1846.
289. MIRROR, 27 March 1846.
290. BRITISH COLONIST, 7 April 1846.
291. MONTREAL GAZETTE, 30 March 1846.
292. MIRROR, 27 March 1846.
293. MONTREAL GAZETTE, 30 March 1846.
294. MIRROR, 27 March 1846.
295. MONTREAL GAZETTE, 30 March 1846.

296. MIRROR, 27 March 1846.
297. MONTREAL GAZETTE, 30 March 1846.
298. MIRROR, 27 March 1846.
299. MONTREAL GAZETTE, 30 March 1846.
300. MIRROR, 27 March 1846.
301. BRITISH COLONIST, 7 April 1846.
302. MIRROR, 27 March 1846.
303. MONTREAL GAZETTE, 30 March 1846.
304. MIRROR, 27 March 1846.
305. IBID.
306. KINGSTON NEWS, 2 April 1846.
307. MIRROR, 27 March 1846. KINGSTON NEWS, 2 April 1846, mistakenly reported that Cameron "said a few words to the same effect (as Mr. Baldwin)."
308. MIRROR, 27 March 1846.
309. IBID.
310. IBID.
311. IBID.
312. IBID.
313. IBID.
314. KINGSTON NEWS, 2 April 1846.
315. MIRROR, 27 March 1846.
316. BRITISH COLONIST, 7 April 1846.
317. KINGSTON NEWS, 2 April 1846.
318. MONTREAL GAZETTE, 30 March 1846.
319. MIRROR, 27 March 1846.
320. MONTREAL GAZETTE, 30 March 1846.
321. MIRROR, 27 March 1846.
322. IBID.
323. IBID.
324. IBID.
325. BRITISH COLONIST, 7 April 1846, which reported Prince to have agreed with these sentiments.
326. MIRROR, 27 March 1846.
327. IBID.
328. IBID. The reporter of the KINGSTON NEWS left during Roblin 's speech and noted the time as "about ten o'clock."
329. BRITISH COLONIST, 7 April 1846.
330. MIRROR, 27 March 1846.
331. BRITISH COLONIST, 7 April 1846.
332. MIRROR, 27 March 1846.
333. BRITISH COLONIST,7 April 1846.
334. MIRROR, 27 March 1846.
335. BRITISH COLONIST, 7 April 1846.
336. MIRROR, 27 March 1846.
337. MONTREAL GAZETTE, 30 March 1846.
338. IBID.
339. MIRROR, 27 March 1846.
340. MONTREAL GAZETTE, 30 March 1846, reported Sherwood and Williams

as expressing these ideas.
341. MIRROR, 27 March 1846.
342. IBID.
343. IBID.
344. IBID.
345. The debate on this matter was reported by: MIRROR, 27 March 1846, PILOT, 31 March 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts.
346. MIRROR, 27 March 1846.
347. The debate on this matter was reported by: MONTREAL GAZETTE, 30 March 1846; and MIRROR, 27 March 1846, PILOT, 31 March 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts.
348. MIRROR, 27 March 1846.
349. IBID.
350. IBID.
351. IBID.
352. MONTREAL GAZETTE, 30 March 1846.
353. MIRROR, 27 March 1846.
354. IBID.
355. IBID.
356. IBID.
357. MONTREAL GAZETTE, 30 March 1846.
358. MIRROR, 27 March 1846.
359. IBID.
360. IBID.
361. IBID.
362. IBID.
363. IBID.
364. IBID.
365. MONTREAL GAZETTE, 30 March 1846.
366. The following was reported by: MIRROR, 27 March 1846, PILOT, 31 March 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts.
367. MIRROR, 27 March 1846.

(36)

Petitions laid on the table.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Colville,--The Petition of L.G. Brown, and other, of the County of Beauharnois; the Petition of William Bowron, and others, of the Townships of Godmanchester and Hinchinbrook, in the County of Beauharnois; the Petition of Eden Colville, Esquire, M.P.P., and others, of the Seigniory of Beauharnois; and the Petition of the Reverend R.G. Plees, and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Woods,--The Petition of Thomas L. Crooke, Esquire, and others, inhabitants of the Townships of Sarnia and Plympton.

By Mr. [illegible] of Eytown,--The Petition of Clements Bradley, and others, inhabitants of the Township of Gloucester, in the District of Dalhousie.

By Mr. Cummings,--The Petition of D.M. Dougal, and others, freeholders and inhabitants of Upper Canada.

By Mr. Leslie,--The Petition of the Ladies of the Montreal Protestant Orphan Asylum; and the Petition of Augustin Perrault, and others, merchants and tradesmen of the City of Montreal, in the District of Montreal.

By Mr. Webster,--The Petition of George Brown, and others, inhabitants of the Northern Division of Owen's Sound.

By Mr. Merritt,--The Petition of the Municipal Council of the District of Niagara (relating to the Common School Act); the Petition of the Municipal Council of the District of Talbot; the Petition of the Reverend Job Deacon, and others, members of the United Church of England and Ireland, in the Parishes of Adolphustown and Fredericksburg, in the Diocese of Toronto; and the Petition of the Municipal Council of the District of Niagara (relating to the sale of wild lands).

By Mr. Smith of Frontenac,--The Petition of Samuel DeVeaux, and others, of Niagara Falls.

By the Honourable Mr. Aylwin,--The Petition of M. Mason, and others, members of the United Church of England and Ireland, of the Township of Kingston, in the Diocese of Toronto.

By Mr. Macdonald of Kingston,--The Petition of H.H. Whitney, and others, members of the United Church of England and Ireland, in the Diocese of Quebec, in connexion with St. George's Chapel, Montreal.

By the Honourable Mr. Baldwin,--The Petition of Daniel Hoover and others, inhabitants of the Township of Walpole, in the District of Talbot; and the Petition of James L. Green and others, inhabitants of the Township of Townsend, in the District of Talbot.

By the Honourable Mr. Laterrière,--The Petition of C.P. Huot, Esquire, and others, inhabitants of the Parish of Baie St. Paul, in the County of Saguenay; the Petition of Alexis Otisse and others, of the Parish of Baie St. Paul, in the County of Saguenay; the Petition of James Alexander and others, Navigators, residing in the County of

Saguenay; the Petition of the Reverend L.A. Bourret and others, inhabitants of the County of Saguenay; the Petition Simeon Destroismaisons, Esquire, and others, of St. Urbain and other Parishes in the County of Saguenay; the Petition of the Reverend B. Honorat and others, residing on the River Saguenay; and the Petition of David Gagnon and others, residing on the River Saguenay.

By the Honourable Mr. Robinson,--The Petition of the Municipal Council of the District of Simcoe (relating to a tax on improved lands); the Petition of the Municipal Council of the District of Simcoe (relating to a tax on town lots); the Petition of the Municipal Council of the District of Simcoe (relating to a tax on wild lands); the Petition of Gerald Alley and others, inhabitants of the Township of Oro the Petition of James Wickens, President of the Simcoe Agricultural Society; and the Petition of the Municipal Council of the District of Simcoe (relating to the Registry Office).

By Mr. Cameron,--The Petition of John R. Gemmill, of the Town of Lanark, in the District of Bathurst; and the Petition of the Reverend A.G. Laurie and others, Ministers and Members of the Christian Universalist Association of Canada West.

By the Honourable Mr. Daly,--The Petition of Joseph Louis Héon, inhabitant of the Township of Somerset.

By Mr. Roblin,--The Petition of Ebenezer Jewell, of Demorestville; and the Petition of Stephen Bowerman, of the Township of Hallowell, in the District of Prince Edward.

By Mr. Macdonald of Cornwall,--The Petition of Donald M'Dermid, of of Cornwall, formerly an Officer in the Militia of Glengarry.

By Mr. Dickson,--The Petition of Lachalan Bell, and others of Upper Canada; the Petition of Richard Millar and others, the President and Members of the Board of Police, of the Town of Niagara; the Petition of the Municipal Council of the District of Niagara (relating to a road in Grantham); the Petition of the Municipal Council of the District of Niagara (relating to Town Lots); and the Petition of the Municipal Council of the District of Niagara (relating to Temperance Houses).

By Mr. DeWitt,--The Petition of David Johnston and others, of the Township of Kilkenny, Canada East.

By the Honourable Mr. Aylwin,--The Petition of the Honourable J.R. Vallieres de St. Réal, and others, Justices of Her Majesty's Courts of Queen's Bench in Lower Canada; the Petition of Joseph Lemonde, of Montreal; the Petition of John Sharples, Esquire, Supervisor of Cullers, of the City of Quebec; the Petition of Mrs. Marion Gibb and other Ladies, Members of the Committee of Management of the Charles Street Infant School, Quebec; and the Petition of Lady E. Stuart and other Ladies, the Committee of the Quebec Infant School.

(37)

By Mr. Chabot,--The Petition of the Reverend J. B. Coté and others, of the Seigniories of Metis, Pachot and Matane, in the County of Rimouski; and the Petition of the Mayor and Councillors of the city of Quebec.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of T. Spruen, of Montreal, praying to be compensated for his services,

as Teacher of the School belonging to the Royal Institution, at Gaspé.

Of D.B.O. Ford and others, of the Town of Brockville, in the District of Johnstown; praying for the passing of an Act to authorize the Trustees of the District School, of the said District, to hold a certain lot of ground in the said Town.

Of the Reverend Messire Ducharme and others, Members of the Corporation of the College of Ste. Thérèse de Blainville; praying for an aid to enable them to erect a College in that Parish; the present building being insufficient for the number of Students.

Of John Morris, Esquire, and others, of Ste. Thérèse; praying for an aid to build a College in that Parish.

Of Hamnett Pinhey, Esquire, Warden of the Municipal District of Dalhousie; praying for the passing of an Act explanatory of the Act 7th Vict. Cap. 11, commonly called "The Ordnance Vesting Act," with reference to a certain case.

Of William Lough and others, inhabitants of the County of Russell; praying for certain alterations in the Charter of the University of King's College.

Of John Lamb and others, inhabitants of the Township of Warwick; praying that the Clergy Reserve Lands may not be divided amongst various Religious Denominations as petitioned for; but that the Legislature may petition the Imperial Authorities for the entire controul over those Lands, and apply them to the general purposes of Education.

Of William Dixon and others, inhabitants of the Township of Warwick; praying that the Report of the Select Committee of the Legislative Assembly of the last Session, to which were referred the Petitions of the Church Society of the Diocese of Toronto relating to the Clergy Reserves, may be rejected by the House.

Of the Reverend John Anderson and others, members of the United Church of England and Ireland, in the Township of Bertie, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of John Lyon and others, inhabitants of the Township of Esquesing, in the Gore District, and of William Peacock and others, lessees and occupants of Clergy Reserves, in the Township of Trafalgar, in the District of Gore; praying that the Clergy Reserve Lands may not be divided amongst any Religious Denominations, but that the same may be sold under the provisions of the Imperial Act.

Of John Prince, Esquire, President of the Niagara and Detroit Rivers Railroad Company, and others, freeholders and inhabitants of Upper Canada; praying that the time for completing the said Railroad may be extended two years.

Of John E. Mills, Esquire, Chairman of the Committee of Management of the Champlain and St. Lawrence Railroad Company; praying for certain amendments to the Act incorporating the said Company.

Of the President and Governors of the Montreal General Hospital; praying for a grant in aid of the said Institution.

Of Richard E. Vidal, Commander of the Royal Navy; complaining that

his property is cut up by two roads running parallel near to each other, and praying that one of them may be closed up, according to a deed of the Surveyor of Highways, confirmed by the Magistrates in Quarter Sessions, in 1835.

Of the Reverend William Ritchie and others, Members of the United Church of England and Ireland, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of said Church, such a portion of the Clergy Reserve Lands as shall corespond with their share of the income arising from the same.

Of L.M. Cressé, Esquire, Mayor, and others, the Councillors of the Municipality of the Parish of St. Jean Baptiste de Nicolet; praying that the 8th Victoria, chap. 40, be amended and explained in certain particulars.

Of Pierre I. Trépanier and others, of the Parish of St. Stanislaus, in the County of Champlain; praying for an aid to open a Road in the said Parish.

Of Jacques Légaré and others, inhabitants of the Parish of Ste. Foye and its neighbourhood; praying that the Toll-gate between the Carouge and Kilmarnock Roads may be removed.

Of Jacques Légaré and others, inhabitants of the Parish of Ste. Foye and its neighbourhood; praying for an aid to enable them to Macadamize the Road called "Route de l'Eglise," between the Cap Rouge and Ste. Foye Roads.

Of Robert Easton Burns, Esquire, Judge of the District Court of the Home District; praying to be permitted to practise as a Barrister and Counsel in the Courts of Equity in Upper Canada.

Of Horatio N. Patton, Esquire, and others, citizens of Quebec, and inhabitants of the Parish of Point Lévy; praying that the Ferry between the City of Quebec and the Parish of Point Lévy, in the River St. Lawrence, may be vested in the Corporations of the said City and Parish, with power to lease the same.

Of James Dean, Esquire, and others, Merchants of Quebec; praying to be incorporated as "The Quebec Forwarding Company."

Of William Rogerson and others, Manufacturers of Lumber of the Province of Canada; praying that the Salary of the Supervisor of Cullers may be increased.

Of Louis Célestin Lefrançois, Registrar of the County of Montmorency; praying that he may be allowed the same remuneration as other Registrars, for copies of Documents enregistered in his office.

Of Israel Lewis, C.M. of Montreal; praying that he may be granted a premium as the Inventor of a certain Fire Screen.

Of André Antoine Asselin, of the Parish of St. François du lac St. Pierre, School-Master; praying that an Annual Sum be granted to him from the 26th November, 1832, to the 31st December, 1842, for his services as School-Master.

Of the Municipal Council of the Municipality of Ste. Anne de la Pocatière, in the County of Kamouraska; praying for an aid to enable them to complete the Road, known as "The Government Road," leading from

the third Concession of the said Parish to the Township of Ixworth.

Of the Honourable Antoine Gaspard Couillard; praying to be reimbursed certain sums expended by him in the purchase of Registers, and other Books for his office as Registrar for the County of L'Islet.

Of the Municipal Council of the District of Niagara; praying for the passing of an Act, to require that the Queenston and Grimsby Macadamized Road, when made, be continued on the present line, through the Village of Jordan, in the Township of Louth.

Of James Hutchison and James M'Carthey, on behalf of a Public Meeting of the inhabitants of Bayham and other Townships, in the Districts of London, Oxford, and Talbot; praying for a Grant to construct a Harbour at Port Burwell, and also to make a Road leading into the interior, and that the Township of Bayham may be annexed to the District of Brock,

(38)

in exchange for a part of the Township of Nissouri.

Of Alexander M'Lean, Esquire, and others of the town of Cornwall; praying to be relieved from the payment of District Rates, and that certain amendments be made to the Act incorporating the said Town.

Of A. Bochet and others, inhabitants of the County of Champlain; praying that the Winter Roads Act be permanently abrogated, in so far as regards the Districts of Quebec and Gaspé, and part of the District of Three Rivers.

Petitions referred:

Jacques Légaré, et al.

Ordered, That the Petition of Jacques Légaré and others, inhabitants of the Parish of Ste. Foye and its neighbourhood (relating to certain roads); and the Petition of Jacques Légaré and others, inhabitants of the Parish of Ste. Foye and its neighbourhood (relating to a certain tollgate); be referred to the Select Committee to which was referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette and other references.

Richard E. Vidal.

Resolved, That the Petition of Richard E. Vidal, Commander of the Royal Navy, be referred to a Select Committee composed of Mr. Woods, Mr. Prince, Mr. Cameron, Mr. Smith of Wentworth, and Mr. Ermatinger, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

H. Pinhey, Esq.

Resolved, That the Petition of Hamnett Pinhey, Esquire, Warden, of the Municipal Council of the District of Dalhousie, be referred to a Select Committee composed of Mr. Stewart of Bytown, Mr. Gowan, Mr. Cameron, and Mr. Johnston, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Pierre Garette, et al.

Ordered, That the Petition of Pierre Garette and others, of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska, be

referred to the Select Committee to which was referred the Petition of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette.

Hon. A.G. Couillard, et al.

Resolved, That the Petition of the Honourable Antoine Gaspard Couillard and others, of the County of L'Islet, be referred to a Select Committee composed of Mr. Taché, the Honourable Mr. Morin, Mr. Prince, Mr. Chauveau, and Mr. Desaunier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Niagara District Municipal Council.

Resolved, That the Petition of the Municipal Council of the District of Niagara (relating to a road) be referred to a Select Committee composed of Mr. Cummings, Mr. Merritt, Mr. Dickson, Mr. Chalmers, and Mr. Webster, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rev. John Anderson.

Ordered, That the Petition of the Reverend John Anderson and others, members of the United Church of England and Ireland, in the Township of Bertie, in the Diocese of Toronto, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Standing Committees reported.

The Honourable Mr. Attorney General Smith, from the Select Committee appointed to prepare and report lists of Members to compose the six Standing Committees ordered by this House, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have, in obedience to the Order of your Honourable House, proceeded to prepare Lists of Members to compose Standing Committees, which they beg leave to report as follows:--

1ST.--ON PRIVILEGES AND ELECTIONS.

The Honourable Mr. Baldwin,
Mr. Chauveau,
The Honourable Mr. Sol. Gen. Sherwood,
Mr. Macdonald of Kingston,
Mr. Macdonell of Dundas,
Mr. Scott, and
Mr. Williams--7.

2ND.--EXPIRING LAWS.

Mr. Smith of Frontenac,
The Honourable Mr. Aylwin,
The Honourable Mr. Moffatt,
Mr. Watts, and
Mr. Hall--5.

3RD.--ON PRIVATE BILLS.

The Honourable Mr. Morin,
Mr. Price,
Mr. Hale,
Mr. Duggan,
Mr. Sherwood of Brockville,
The Honourable Mr. Robinson, and
Mr. Webster.--7.

4TH.--ON STANDING ORDERS.

Mr. Meyers,
Mr. Stewart of Bytown,
Mr. Taché,
The Honourable Mr. Lafontaine, and
Mr. Macdonald of Cornwall.--5.

5TH.--ON PRINTING AND BINDING.

Mr. Dickson,
Mr. Gowan,
Mr. LeMoine,
Mr. Armstrong,
Mr. Ermatinger,
Mr. Monro, and
Mr. Brooks.--7.

6TH.--ON CONTINGENCIES.

Mr. Roblin,
Mr. Christie,
Mr. Colville,
Mr. DeWitt,
The Honourable Mr. DeBleury
Mr. Petrie, and
Mr. M'Connell.--7.

Oxford Election.

Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met on Saturday last, at nine o'clock, A.M., pursuant to adjournment, but were unable to proceed to business, in consequence of the absence of Mr. Bertrand.

And further, that the Committee met this morning, at the same hour, and, in consequence of the continued absence of Mr. Bertrand, they were unable to proceed to business.

Ordered, That Mr. Bertrand, Member for the County of Rimouski, do attend in his place in this House to-morrow.

(39)

Committee on Petition of Municipal

Mr. Cummings, from the Select Committee to which was referred the Petition of the Municipal Council of the District of Niagara, with power

Council of Niagara, reports.

to report by Bill or otherwise, presented to the House a Bill to repeal the Act therein mentioned, authorizing the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt; which was received and read for the first time, and ordered to be read a second time on Thursday next.

Committee on Petition of Marie Honorine Pinsoneault, et al., reports.

Mr. Boutillier from the Select Committee to which was referred the Petition of Marie Honorine Pinsoneault, (dite St. Joseph,) and others, the Religious Sisters of Charity of the Hôtel Dieu of the Parish of St. Hyacinthe, in the County of St. Hyacinthe, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Your Committee having examined the Petition to them referred, are of opinion that the prayer therein contained be granted.

La Communauté des Filles de la Charité, Incorporation Bill.

Ordered, That Mr. Boutillier have leave to bring in a Bill to incorporate "La Communauté des Filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

MR. PRICE[1] moved that the petition of the Municipal Council of the Home District be printed for the use of members.[2]

MR. BALDWIN remarked, that the petition referred to contained a variety of suggestions which might be found useful. He should like that petitions received from other Municipal bodies were also published, in order that the House might compare the expenses of the smaller with those of the larger districts.[3]

(39)

Home District Municipal Council.

Ordered, That the Petition of the Municipal Council of the Home District be printed for the use of the Members of this House.

Simcoe Registry Office Bill.

Ordered, That the Honourable Mr. Robinson have leave to bring in a Bill to provide for the removal of the Registry Office of the District of Simcoe from its present site to Barrie, the District Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Great Western Railroad Bills.

Ordered, That Mr. Cameron have leave to bring in a Bill to alter and amend the Charter of the

Great Western Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Cameron have leave to bring in a Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

On motion of Mr. Armstrong, seconded by Mr. Chabot,

Address relative to Commutations.

Resolved, That an humble Address be presented to His Excellency the Administrator of the Government, praying that he will be pleased to direct the proper officer to lay before this House, a Return of the number of Cummutations which have taken place under the 8th Victoria, cap. 42, intituled "An Act the better to facilitate optional Commutation of the tenure of Lands en roture in the Seigniories and Fiefs in Lower Canada into that of franc alleu roturiers."

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. CHRISTIE[4] asked whether it was the intention of the Government to introduce a measure respecting the Feudal Tenure in Lower Canada, and whether they had considered the question of an Inpeachment (sic) Bill.[5]

MR. AT. GEN. SMITH replied that a Law having passed so late as last Session authorizing parties holding lands under the Feudal Tenure, to commute he thought that sufficient experience of the working of that measure had not yet been had to warrant any further change; with regard to the question of Impeachment, it was one of such importance that the Government had not yet been enabled to determine upon it, it was still under consideration.[6]

MR. CHRISTIE moved for a select committee of seven to enquire into the expenses attendant upon commutations.[7]

MR. AT. GEN. SMITH would remind the hon. member for Gaspé, that the charges referred to were authorized by an Imperial Act, and he thought that questioning their legality was therefore not consistent.[8]

MR. CHRISTIE wished not to call into question the legality of the charges incident to Commutation, but to learn what was their extent, in order that it might be seen whether they amounted to a Bar, to the carrying out of the Act.[9]

MR. AT. GEN. SMITH: If the hon. member had applied to the Government he might perhaps have obtained the information he required, he (the Atty. General) thought as the Act authorized the Crown to make the charges referred to, the present course was scarcely correct.[10]

MR. AYLWIN was by no means satisfied with the answer of the Atty. General, the question was not the legality of the charges, but the amount of them; one gentleman receiving the fees alluded to had, besides other sources of emolument; clerkships, &c. &c. There was another officer receiving or claiming fees, either the Attorney or the Solicitor General.[11]

MR. SMITH - THE ATTY. GENERAL.[12]

MR. AYLWIN: The question of fees arose when he (Mr. Aylwin) had the honor of acting in the Government under the hon. member for Terrebonne upon which occasion his honourable friend (then Attorney General) refused to take any, and he Mr. Aylwin acquiesced for two reasons, first, because he (Mr. A.) thought it was right. Fees had however, accumulated and went, he believed, into the hands of the Provincial Secretary, what became of them further he, (Mr. A.) did not know, and he supposed they were reckoned amongst what are called the spoils, he (Mr. A.) was perfectly willing that the past should be decided as it best might, but for the future he thought it right and proper that there should be no such spoils, and that the object of the Imperial Parliament in passing the law, should not be defeated by exorbitant fees, he (Mr. A.) had made these observations because he had expected more from the opposite side than had been admitted, indeed so highly unsatisfactory was the answer of the Atty. General that he (Mr. A.) would advise the hon. member for Gaspé to defer this motion.[13]

MR. AT. GEN. SMITH rose to correct the last speaker upon a question of fact, it was not correct that he (the Attorney General's) predecessor in office refused to receive the fees in question; that hon. gentleman declined accepting a class of fees, but those now referred to had not only been taken by him, but by all who had preceded him.[14]

MR. LAFONTAINE said the hon. Atty. General had no doubt received the information he had just communicated from his clerk, who had been also his (Mr. LaFontaine's) clerk; but it was not correct. When he (Mr. L.) accepted office, he continued to employ the clerk of his predecessor, and having been confined to the house by illness at the time some fees were received. As soon, however, as he was made acquainted with it, he put a stop to the practice. He (Mr. L.) found that it had been the custom to make constant references to the Attorney General during the time that officer was paid by fees. He (Mr. L.) had put a stop to those references. With regard to the commutation fees, which were referred to by the Attorney General, he (Mr. L.) had no recollection of having signed one commutation deed while he was in office.[15]

MR. MOFFATT thought the question of time was of as much, if not more importance in reference to Commutation as fees; at present there was great delay in getting the necessary papers through the various offices, similar business was managed very differently in the SEMINARY of this City; there the general time required was two or three hours, or at most two or three days.[16]

Committee on subject of

(39)

Resolved, That a Select Committee, composed of Mr. Christie, the Honourable Mr. Moffatt, the

Commutations appointed. *Honourable Mr. Aylwin, Mr. Leslie, Mr. Lantier, and Mr. Taché, be appointed to enquire into and report upon the expenses usually incurred in effecting Commutations of the tenure of Land held en Fief or à titre de cens of the Crown in Lower Canada into that of Free and Common Soccage, under the Imperial Act 3rd Geo. IV., ch. 119, and their legality, and whether such expenses have contributed to prevent commutations, or have proved an obstacle thereto, and to report upon the expedience of making provision by law for modifying those expenses or charges, with a view to facilitate the operations of the said Act, and to render commutations under it less expensive; with power to send for persons, papers, and records.*

Committee on causes of fires by Steam Engines, appointed. *Resolved, That a Select Committee, composed of Mr. Cauchon, the Honourable Mr. Morin, Mr. Christie, Mr. Solicitor-General Taschereau, and the Honourable Mr. Aylwin, be appointed to inquire into the causes of fires by steam engines on land or by water, within the limits of this Province, and into the most efficient means for preventing them for the future, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Court of Chancery. *Ordered, That the Honourable Mr. Attorney-General Draper, have leave to bring in a Bill to remove certain doubts as to the jurisdiction conferred upon the Court of Chancery in Upper Canada, in matters relating to lunatics, idiots, and persons of unsound mind, and their estates, and to amend and extend the laws in force in Upper Canada, relating to lunatics, idiots, and persons of unsound mind, and their estates.*

He accordingly presented the said Bill to the House,[17]

MR. AT. GEN. DRAPER introduced a Bill to remove certain doubts, as to the jurisdiction of the Court of Chancery in Upper Canada, respecting Lunatics, and idiots, and in reference to their Estates, he (the Atty. General) remarked that in England the Lord Chancellor exercised his power in these matters by special deelgation (sic) from the Crown; he (Mr. Atty. General) believed that when in office in 1841, he recommended a similar course here, but it is, as of the highest importance, that there should be no doubts upon such a question.[18]

MR. BALDWIN agreed to the substance of the measure proposed; he was not aware that while he was in office, any instance occurred calculated to bring the question under notice, but there could be no doubt of the expediency of setting at rest all doubts upon such a matter.[19]

(39)

and the same was received and read for the first time, and ordered to be read a second time on Friday next.

On motion of Mr. Laurin, seconded by Mr. Chabot,

Quebec Turnpike Roads. *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to acquaint this House with the reasons why the Trustees of the Quebec Turnpike Roads have not caused the road from the Côte de Champigny, including the said Côte, to the bridge commonly called the "Red Bridge," or "Commissioner's Bridge," to be macadamized, in conformity with the Act of the 8th Victoria, cap. 55, and if the said Trustees have the intention of conforming themselves to the said law, and of macadamizing the said road in the course of the next summer.*

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Attorney-General Draper, seconded by the Honourable Solicitor-General Sherwood,

School Law, (U.C.) *Resolved, That this House do now resolve itself into a Committee of the whole House, on the School Law of Upper Canada.*

The House accordingly resolved itself into the said Committee.

(40)

Mr. Christie took the Chair of the Committee,[20]

MR. AT. GEN. DRAPER in proposing a resolution on which to frame his Bill for amending the School Act would briefly explain the principal amendments which he intended to introduce.[21] The object of the bill was to amend the act of 1843, which had not been found to work well. That act had been drafted from the School Act of the State of New York, and while the most cumbrous part of its machinery had been retained, the better clauses had been omitted.[22] There was one serious omission[23] - one essential part of that system was omitted; it was that which gave[24] appellate jurisdiction ... ((to)) the Regents of the University, who under the New York law had the power of deciding in those numerous cases of disputes[25] connected with the education afforded in the state schools[26] which were constantly arising.[27] With regard to the expediency of establishing Normal Schools, he thought there could be no difference of opinion.[28] The Act of 1813, evidently contemplated the establishment of a Normal School, but no provision existed for establishing such an Institution; he proposed to institute an unpaid Board of seven members to superintend the school, in which the various religious bodies would be represented, he proposed to entrust this Board with a certain controul (sic) over the books to be used in the common schools.[29] He proposed to prepare two different lists of books[30], one of the books permitted to be used, the other of those prohibited[31]. For the purpose of making these lists and performing other executive functions[32] in the schools of their district[33], he proposed to erect[34] ((this)) Board ((which)) would have power to proscribe certain books[35], such as might be thought improper[36], but no power to prescribe to any Trustees the particular books which they should use. Such was (sic) the leading features of his proposed measures.[37]

MR. PRICE wished to know if any provision was made for building school-houses?[38]

MR. AT. GEN. DRAPER stated, that he had taken into consideration the best means of providing for the erection of school houses, and was prepared to suggest measures to remedy for the future the difficulties which had hitherto been felt on that subject.[39] ((It)) would be introduced in the Municipal Bill.[40]

Mr. Draper's motion was carried without debate.[41]

(40)

and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Christie reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Plurality of Offices Bill. *Ordered, That Mr. Christie have leave to bring in a Bill to prevent the undue accumulation and plurality of offices.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventh of April next.

Assessment Laws, (U.C.) *Mr. Gowan, from the Committee of the whole House, to take into consideration the propriety of amending the Assessment Laws, in force in Upper Canada, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--*

Resolved, That it is expedient that a more equal system of valuation of lands in Upper Canada, for the purposes of Assessment, be adopted, and that new provision of Law be made for the purpose of obtaining such valuation, and to impose and collect Rates and Assessments in that part of this Province.

Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to regulate Assessments and the appointment of Collectors and Assessors in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventh of April next.

Member called and did not appear. *Mr. Bertrand, Member for the County of Rimouski, having been called, according to order, did not appear.*

Magdalen Islands Bill. *The Order of the Day for the second reading of the Bill relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, being read,*

Ordered, That the said Bill be read a second time on Monday next.

District of Gaspé Marriage, &c. Bill. *The Order of the Day for the second reading of the Bill to make provision for the legal proof, and preservation thereof, of certain informal marriages had, anterior to a certain date therein mentioned, before Justices of the Peace and others in the Inferior District of Gaspé, as ratified by Act of the Legislature of Lower Canada, but whereof no Register or Records have been kept, and for recording the same, including certain births or baptisms and burials in the said District; being read,*

Ordered, That the said Bill be read a second time on Monday next.

Gaspé Municipalities Bill. *The Order of the Day for the second reading of the Bill relating to certain Municipalities in Gaspé not regularly established according to law, and to remedy the defect, and for other purposes, being read,*

Ordered, That the said Bill be read a second time on Monday next.

Gaspé Administration of Justice Bill. *The Order of the Day for the second reading of the Bill for the better administration of Justice in the General Sessions of the Peace for Gaspé, and to prevent charges upon the Treasury of the Province for unnecessarily summoning Jurors thereto; being read,*

Ordered, That the said Bill be read a second time on Monday next.

Visitation of certain Institutions Bill. *The Order of the Day for the second reading of the Bill for the annual visitation of certain Institutions in this Province, maintained in whole or in part at the public expense, and for causing reports of the state and condition thereof to be annually laid before the Legislature, and for preventing abuses therein, being read,*

Ordered, That the said Bill be read a second time on Monday next.

District Courts Upper Canada. *The Order of the Day for the House in Committee on the propriety of amending the Schedule to the Act passed last Session, intituled "An Act to amend, consolidate, and reduce into one Act the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province, formerly Upper Canada," being read,*

The House accordingly resolved itself into the said Committee,

Mr. Boulton took the chair of the Committee,[42]

MR. AT. GEN. DRAPER.--The Resolution presented by the hon. Attorney General West, at the sitting of the Committee, was then read.[43]

MR. HALL asked if the House would be pledged by this motion, to a particular course. The motion referred only to a particular alteration or amendment.[44]

MR. R. MACDONALD (of Cornwall), thought the motion was too specific - it ought to be made more general.[45]

MR. SOL. GEN. SHERWOOD said that the House would not be pledged to any particular course; any member could introduce such amendments as he saw fit, when the bill to be introduced was before the House.[46]

MR. J.S. MACDONALD said, the bill when introduced will be referred to a select committee, and the members of the House would be able while the bill was in the hands of the committee, to prepare such amendments as he should see fit.[47]

(40)

and after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Boulton reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Dempsey's Relief Bill. *The Order of the Day for the Second Reading of the Bill to authorize the Courts of Queen's Bench, and of Chancery, in Upper Canada, in their discretion, to admit John W. Dempsey to practise as an Attorney and Solicitor therein, being read,*[48]

COL. PRINCE said that in moving the second reading of this bill, he would state the circumstances on which it was founded. Mr. Dempsey had studied with Mr. Small, the clerk of the Crown, but when he applied for admission to the Bar, the Court refused the application on the ground that Mr. Small was not a practising attorney. The petition on which this bill was founded was signed by nearly every attorney, in Toronto. The petition had been referred to a select committee, and they had reported the bill.[49]

MR. SOL. GEN. SHERWOOD stated that it was the custom of last session, to refer all bills similar to this one, i.e. bills of a private nature, to the committee on private bills, not to examine the ground on which the bill was founded,but to ascertain if all the formalities required by the House had been complied with.[50]

COL. PRINCE said in reply that many bills were proceeded with last session, as he proposed to do with the present one.[51]

MR. BALDWIN: He did not intend to throw any difficulties in the way of passing this bill - he would give it his most cordial support; but there was a difficulty ((which)) presented itself, and he hoped it would be removed; it is this: Mr. Dempsey had entered into an engagement with Mr. Small, knowing well that he could not by studying with Mr. Small, be called to the bar; this was not set forth in the bill. This showed the necessity of a select committee making a report, not by bill, setting forth the reasons why a bill should be introduced. The bill should be introduced founded on the report of the committee. He (Mr. B.) had every desire that Mr. Dempsey should be allowed to practise at the Upper Canada bar.[52]

(40)

The said Bill was read accordingly.

Trafalgar Road Bill. *The Order of the Day for the Second Reading of the Bill to incorporate certain persons as the Trafalgar, Esquesing, and Erin Road Company, being read,*

Ordered, That the said Bill be read a second time on Thursday next.

Oxford Election. *The Order of the Day for taking into consideration a motion made on the twenty-fourth instant, viz:--"That the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, having been unavoidable reduced to less than nine Members, and having so continued for the space of three sitting days, is dissolved," being read,*

The House proceeded accordingly to take the said motions into consideration,[53]

MR. SMITH (of Frontenac) moved, seconded by MR. COLVILLE, that the word "is," be inserted in the motion instead of "be" - which was agreed to.[54]

MR. CHALMERS: It being at my request, that the consideration of this motion was proposed (sic) to this day, it is proper that I should say a few words on the subject, though I am entirely unaccustomed to address a public assembly. I have entered upon the enquiry on this subject, with the pure sentiments of an unbiassed mind, and having looked into the question with considerable attention, I have come to the conclusion, that the Committee has died a natural death. The opposite side form a different opinion on this subject, and they have a perfect right to do so. If their arguments are correct, the committee might exist from session to session being unable to report - such a thing would be an insult to the free and independent freeholders of the country. What is the first duty of this House when they meet? Is it not to purify itself from corruption? (Hear, hear.) Yes, the House is bound to purify itself from all impunity (sic). When the seat of a member is contested, their first duty is to strike a committee, who are sworn to do their duty. They are bound to attend from day to day, and if they do not, it becomes the duty of the House to strike a new committee, so that the rights of the respective parties might be decided upon immediately. He (Mr. Chalmers) would vote for the motion before the House, in order that the ends of justice might thereby be promoted.[55]

MR. BALDWIN felt it necessary to set the hon. member for Halton, right as to his views which would lead to no such result as the hon. member had supposed. He (Mr. B.) held that it required the joint action of the committee and of the House to dissolve an election committee. If the view of the statement taken by hon. gentlemen opposite were to

prevail it would be in the power of any three members of a committe (sic) to dissolve it, whereas he (Mr. B.) contended that the intervention of the House was necessary, and that the House must have excused the three members before any proceeding could be taken to dissolve the committee - he had read the statute very carefully again since Thursday night, and its perusal confirmed him in the opinion already expressed. The evils which the hon. member (Mr. Chalmers) dreaded from the adoption of his (Mr. B.'s.) views would be much more likely to follow from the interpretation of the statute given by the hon. gentlemen opposite.[56]

MR. SOL. GEN. SHERWOOD: If the interputation (sic), put upon the statute by the hon. member (Mr. Baldwin) was correct, certain members might contumaciously absent themselves from the meetings of the committee, and they not being unavoidably absent, the committee would be unable to report from session to session, and so continue to the end of the Parliament. Such a case might happen, and members of the Legislature, both here and in England had acted contumaciously. It would therefore be a less (sic) evil to dissolve the committee, than to allow it to continue in this way. The Legislature never could have contemplated the placing of a committee in such a situation. The cause of absence it is said, must be unavoidable, but should a member apply for leave of absence on account of sickness in his family, and you grant him leave, would you call his absence unavoidable? The word "unavoidable" must be understood to apply to members who are unable to attend from any cause. That is the true liberal and extended sense that you ought to put upon the statute. The 22nd section of the statute enacts that the committee shall adjourn from time to time when less than nine are present, but the 23rd section shews that, that this time is not to be ad infinitum, - not for three or four years, but only for three sittings. This he conceived, to be spirit of the statute, and he repudiated the imputation that he was influenced by any unworthy motives. He had arrived at this opinion conscientiously, after having discussed the point, at great length, with those learned friends with whom he was accustomed to act.[57]

MR. BERTHELOT: If the hon. member from Toronto (Mr. Sherwood) could prove to his satisfaction that there was a conspiracy to prevent the committee reporting, he would join the hon. member and endeavour to have, those who would be guilty of such conduct, severely punished by the House. The House should not however, be led into error by such an improbable supposition. The fact is Mr. Bertrand is now the only one who is absent from the committee, and it cannot be said that his absence is unavoidable. He (Mr. Berthelot) did not see why the House could not have patience for a few days more.[58]

MR. AYLWIN thought that the argument of the Solicitor General West was most extraordinary; it was that if three members chose to act with contumacy, they might also set the House at defiance. Now, he (Mr. A.) would ask had the House no power to put down contumacy? If it had not, if that were the state of the law, he would advise the House to abandon all other proceedings at once and set itself right in that important regard, for the authority that could decree and had not the power to

enforce was a mockery. He (Mr. A.) was of opinion that members might be brought to the bar and dealt with in a manner that would be a caution to others - they might be expelled. But supposing that the case put by the Solicitor General could occur, it would, after all, be only the argumentum ab inconveniente, and by such argument anything might be got rid of. In order, however, to shew the fallacy of the Solicitor General's case, he would ask if the House had not the power to punish contumacy in members of a committee, waere (sic) was the remedy? (Hear.) Another committee is struck, and one, two or three of its members, taking the hint of the Solicitor General, act like the preceding committee - put the House at defiance. In what way, he would ask, could the second committee be controlled more than the first? (Hear, hear, hear.) - The hon. member next adverted to the words of the act, "death or otherwise," and argued that the word "otherwise" coming after such an awful word as "death" could not refer to mere accidental or trivial causes. The law also ordered members to appear and answer for absence; this showed that they were not to be condemned unheard, and that the cause of absence was to be considered. He (Mr. A.) had asked hon. members opposite to cite some authority in support of their view, but they had not as yet done so; he (Mr. A.) would then undertake to supply them with an authority, one not very old. Mr. Warren, of London, had lately published a law work, but he had previously published a novel called "Ten Thousand a Year." Now, it was not to the law book but to the novel that he (Mr. A.) would refer hon. members opposite for authority for their present proceeding. (Laughter.) In "Ten Thousand a Year" there was a certain prominent character, Tittlehat Titmouse, the member for Yatton, and he (Mr. A.) thought that the hon. member for Frontenac and the Hon. Solicitor General West might find a precedent for their present course in some of the proceedings of that distinguished character.[59]

COL. PRINCE: He thought that the hon. member for Quebec could not shew that the committee is not dissolved; the hon. member said that if any of the members of it contumaciously absented themselves from their duties, he thought that the Sergeant at arms empowered with the Speaker's warrant could easily reach them and bring them before the House, and compel them to attend to their duties, but that remedy would only be available in some cases, for nothing would be easier than for members coming from his part of the country to step over to the neighbouring States, for instance Michigan or Illinois, and remain there during a whole session, and where no warrant could reach them; he thought the only way to obviate the recurrence of difficulties such as the present was by additional legislation. The hon. member for Quebec, assumes that it is necessary to prove that the absence of the members was unavoidable: but had not the House admitted the excuse of the hon. member for Niagara to be a valid one, and did his excuse prove that he (Mr. Dickson) had been unavoidably absent? We may consider the members of the committee to be public officers, and as public officers are always presumed to be attendant at their duties, so we must presume that the members absent were unavoidably detained, unless the contrary could be shewn. It was for the hon. member for Quebec to shew that their absence was not un-

avoidable. He had considered the question as a lawyer, and the conclusion he had come to was that the committee was legally dissolved.[60]

MR. DICKSON[61] said that notwithstanding all that he had heard from the learned members of the House he thought that the mere construction of a clause of an act was not so far beyond the reach of common sense. He (Mr. D.) was in rather a peculiar position in reference to the subject before the House; he had been balloted for and sworn to try the election in question, and if it could be shewn that he was intentionally absent he would be liable to severe punishment from the House, but it could not be proved that he was intentionally absent, neither could it be established that he was unavoidably absent; he denied that his absence was unavoidable; had he been physically disabled, had he been incarcerated, or detained by persons anxious to break up the committe (sic), then would he be unavoidably absent; but nothing of this kind had occurred, and had he left his home some eight or ten days earlier, he might have been in attendance in that House from the commencement. He (Mr. Dickson) was then, of opinion that as three members were not unavoidably absent the committee could not be dissolved; he held that the House had no discretion in the matter, its power was merely declaratory upon evidence of the cause of absence being adduced. The hon. member next referred to the clauses of the act relied upon and declared that he regarded them as plain in favor of his view of the subject. It had been maintained that the point is not the cause of absence but the fact of the committee being unavoidably reduced. He (Mr. D.) thought that the one followed the other; if the members were not unavoidably absent the committee could not be unavoidably reduced. He (Mr. D.) would vote against the motion preferring, as he did, to act upon his own opinion, even should it turn out to be wrong, to following the dictates of any man in that House.[62]

MR. MOFFATT would not speak on the subject as a lawyer. No member can be appointed on a committee, unless he is on the spot, and if he is able and does not attend, he is reprimanded by the House. He (Mr. Moffatt) thought that the word unavoidable which was not perhaps the word that ought to be used, (laughter,) related to the member and not to the cause of absence. The members of the committee ought to have been present at the opening of the session, but three of them not being in the city, they were unable to attend, and the number of the committee was thereby necessarily reduced to less than nine for three successive meetings; and in consequence the committee was dissolved by the mere operation of law.[63]

MR. ROBINSON: There was a necessity of some period being fixed to limit the absence of members from committees, and he thought that the law meant, that if the members absented themselves for three sittings, that the committee was to be then dissolved, and a new one appointed. This he thought a common sense view of the matter.[64]

MR. PRES. EX. COUN. VIGER: There is not a word about unavoidable absence in the law. The law says that if you cannot form

the committee for three days, the committee is dissolved, it makes no distinction with regard to the causes of absence: if members could not arrive in time it was impossible for the committee to meet: it was not the unavoidable absence of more than two members that dissolves the committee, it was the impossibility of the committee meeting during three days, that was what he thought the law meant; he did not like to speak about laws that he was not acquainted with, but the law in question seemed so extremely simple and clear that he had no difficulty in making up his mind upon the meaning of it.[65]

MR. AT. GEN. DRAPER: The question before the House had excited a great interest, and had been the subject of lengthened debate; but he (Mr. D.) still retained the opinion that he formerly expressed, that the committee was ipso facto dissolved, when its numbers were unavoidably reduced from any cause, to less than nine. He (Mr. C.) differed with the hon. member for Niagara in the construction he had put upon the statute and he thought that the reasons given by the hon. member for his opinion were inconclusive. The hon. member had stated that he was not unavoidably absent - that there was no physical impossibility of his being present at the opening of the session and attending the meetings of the committee. But allowing that he was able to attend, why did not the committee meet? What advantage was his ability to be present, when he was not here on a given day, so as to permit the committee to proceed to business? And though the possibility existed of his being present, could the House have enforced his attendance, should he have chosen to stay away. (Hear, hear, hear.) The honorable member for Peterborough had shown him the English statute, that had been referred to in a previous debate on this question; and in the preamble, he found, that from the mere fact of absence, it was assumed to be unavoidable. What is the reason that the House orders from day to day, the absent members to attend in their places and give the reasons of their absence, if it is not, that the three days specified in the statute, may pass over?[66]

MR. BALDWIN: The Hon. Attorney General West, must recollect that the Imperial statute must be taken, in connection with the circumstances out of which it grew; even after three members had obtained leave of absence from the House the committee was not dissolved until the members had acted upon that leave of absence. It was not till after permission had been granted to the second member and he had absented himself that the house interfered to prevent the dissolution of the committee. There must (said Mr. B.) be the joint action of the house and that of the members of the committee before the committee is dissolved. The House must first have granted leave, and the member must have acted upon that leave. He (Mr. Baldwin) held that the mere absence of a member for three successive days did not dissolve the committee, it was only dissolved by the unavoidable absence of the member, caused by death, or some other cause which the House considered unavoidable.[67]

(40)

And the said motion being again read, and the question being[68] *put thereon, a division ensued, and the names being called for, they were taken down as followeth:--*

YEAS.

Messieurs Boulton, Brooks, Cayley, Chalmers, Colville, Cummings, Daly, Attorney General Draper, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Johnston, Macdonald of CORNWALL, Macdonell of DUNDAS, Meyers, Moffatt, Monro, Papineau, Petrie, Prince, Robinson, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Viger, Webster, and Wells.--(38.)

NAYS.

Messieurs Armstrong, Aylwin, Baldwin, Berthelot, Bouthillier, Cameron, Davidson, Chabot, Chauveau, Christie, Desaulniers, DeWitt, Dickson, Drummond, Duggan, Guillet, Lacoste, LaFontaine, Lantier, Laterrière, Scarth, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of ?TORMONT, Merritt, Méthot, Morin, Nelson, Price, Roblin, Rowand, Scott, Smith of WENTWORTH, Taché, Watts, and Williams.--(38.)

(41)

So it passed in the negative.[69]

Then, on motion of Mr. Sherwood of Brockville, seconded by the Honourable Mr. Viger,

The House adjourned.

APPENDIX, 30 MARCH 1846.

((QUESTION AND ANSWER RE: LOWER CANADA REGISTRY OFFICES.))[70]

DR. TACHE inquired whether it was the intention of the Ministry to do anything in reference to the many injudicious places in which Registry offices were placed in Lower Canada.[71]

MR. PROV. SEC. DALY replied that all Reports on the subject expected by the Government, had not been received, when they were, the question put, would be answered.[72]

FOOTNOTES - 30 MARCH 1846.

1. The debate on this motion was reported by: MIRROR, 30 March 1846, and PILOT, 2 April 1846, in identical accounts.
2. MIRROR, 30 March 1846.
3. IBID.
4. The debate on this matter was reported by: MIRROR, 30 March 1846, PILOT, 2 April 1846, BROCKVILLE RECORDER, 9 April 1846, and LA MINERVE, 6 April 1846, in accounts which are identical except that in LA MINERVE some speeches have been omitted entirely.
5. MIRROR, 30 March 1846.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. The debate on this matter was reported by: MIRROR, 30 March 1846, PILOT, 2 April 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts.
18. MIRROR, 30 March 1846.
19. IBID.
20. The debate on this matter was reported by: MIRROR, 30 March 1846, PILOT, 2 April 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts; and BRITISH COLONIST, 7, 10, April 1846. Commentaries are contained in PILOT, 31 March 1846.
21. MIRROR, 30 March 1846.
22. BRITISH COLONIST, 7 April 1846.
23. MIRROR, 30 March 1846.
24. BRITISH COLONIST, 10 April 1846.
25. MIRROR, 30 March 1846.
26. BRITISH COLONIST, 10 April 1846.
27. MIRROR, 30 March 1846.
28. BRITISH COLONIST, 10 April 1846.
29. MIRROR, 30 March 1846.
30. BRITISH COLONIST, 10 April 1846.
31. MIRROR, 30 March 1846.
32. BRITISH COLONIST, 10 April 1846.
33. IBID., 7 April 1846.
34. IBID., 10 April 1846.
35. MIRROR, 30 March 1846.
36. BRITISH COLONIST, 10 April 1846.
37. MIRROR, 30 March 1846.
38. BRITISH COLONIST, 7 April 1846.

39. IBID.
40. IBID., 7 April 1846.
41. MIRROR, 30 March 1846.
42. The debate on this matter was reported by: MIRROR, 30 March 1846, and PILOT, 2 April 1846, in identical accounts.
43. MIRROR, 30 March 1846.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. The debate on this matter was reported by: MIRROR, 30 March 1846, and PILOT, 2 April 1846, in identical accounts.
49. MIRROR, 30 March 1846.
50. IBID.
51. IBID.
52. IBID.
53. The debate on this matter was reported by: PILOT, 31 March 1846, whose account was copied by BROCKVILLE RECORDER, 2 April 1846; MIRROR, 30 March 1846, PILOT, 2 April 1846, and L'AURORE, 4 April 1846, in identical accounts except that L'AURORE's account is abbreviated. Commentaries are contained in LE JOURNAL DE QUEBEC, 2, 4, April 1846. The PILOT, 31 March 1846, noted that: "The House was principally occupied last evening with the consideration for the third time, of Mr. Henry Smith's motion to dissolve the Oxford Committee."
54. MIRROR, 30 March 1846.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID. The PILOT, 31 March 1846, commented: "Mr. Dickson of Niagara made a long and eloquent speech in opposition to ... (the motion) which evidently produced a great effect."
62. MIRROR, 30 March 1846.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID. The MIRROR observed, that the question was "loudly called for."
69. LE JOURNAL DE QUEBEC, 2 April 1846, reported that Taschereau abstained from voting on this motion, and in its issue of 4 April 1846, it commented: "M. Taschereau avait jugé, encore cette fois, à propos de s'absenter, pour n'avoir pas à voter contre ses convictions; mais en même temps pour n'avoir pas à voter contre ses collégues les ministres."
70. The debate on this matter was reported by: MIRROR, 30 March 1846, PILOT, 2 April 1846, BROCKVILLE RECORDER, 9 April 1846, and L'AURORE,

4 April 1846, in identical accounts.

71. MIRROR, 30 March 1846.

72. IBID.

(41)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. DeWitt,--The Petition of the Right Reverend R. Gaulin, President of the Corporation of the College of L'Assomption.

By Mr. Macdonell of Dundas,--The Petition of the Reverend Henry Patton and others, members of the United Church of England and Ireland, in the Parish of Cornwall, in the Diocese of Toronto.

By Mr. Foster,--The Petition of Stephen S. Foster, Esquire, President, and others, the Directors of the Shefford Academy.

By Mr. Chalmers,--The Petition of John Marshall, senior, and others, of the County of Halton.

By Mr. Williams,--The Petition of G. M. Boswell, Esquire, and others.

By Mr. Riddell,--The Petition of Colonel A. W. Light and others, of Woodstock and other Towns, in the Districts of Brock and London.

By Mr. Monro,--The Petition of Joseph Tomlinson, Esquire, of Markham and other Townships, in the Home District.

By Mr. Lacoste,--The Petition of John Glen, Esquire, and others, Trustees of the Longueuil and Chambly Turnpike Road.

By Mr. LeMoine,--The Petition of William Hannah and others, of the Parish of Lachine.

By Mr. Watts,--The Petition of William Robins and others, of the County of Drummond.

By Mr. Laurin,--The Petition of Ambroise Sivigni and others, of the Parish of St. Ambroise de Tilly.

By the Honourable Mr. Aylwin,--The Petition of the Reverend Robert R. Burrage, of the City of Quebec; the Petition of H. Jessup, Esquire, and others, inhabitants of the City of Quebec; and the Petition of George O'Kill Stuart, Esquire, and others, landed proprietors of the District of Quebec.

By Mr. Stewart of Bytown,--The Petition of John Egan, Esquire, and others, inhabitants of the County of Ottawa, residing on the South Bank of the Ottawa.

On motion of the Honourable Mr. Attorney General Smith, seconded by Mr. Solicitor General Taschereau,

Standing Committees.

Resolved, That this House doth concur in the Report of the Select Committee appointed to prepare and report Lists of Members to compose the Six Standing Committees ordered by this House, on Thursday last.

Petitions referred.

Ordered, That the Petition of John Grubb and others, inhabitants of the Township of York

John Grubb, et al. — and of the Gore of Toronto, be referred to the Standing Committee on Private Bills.

Rev. J. Shortt, et al. — Ordered, That the Petition of the Reverend Jonathan Shortt and others, members of the United Church of England and Ireland, in Port Hope, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Wm. Lough, et al. — Ordered, That the Petition of William Lough and others, inhabitants of the County of Russell, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell.

W. Rowe, et al. — Ordered, That the Petition of William Rowe and others, of the Townships of Clarke and Hope, in the District of Newcastle, be referred to the Standing Committee on Private Bills.

A. Bonchet, et al. — Ordered, That the Petition of Amable Bonchet and others, inhabitants of the County of Champlain, be referred to the Select Committee to which was referred the Petition of Jean Marie Robitaille and others, of the Parish of L'Ancienne Lorette, and other references.

M. F. Valois, et al. — Ordered, That the Petition of M. F. Valois and others, inhabitants and proprietors, of Lachine and other places, be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and another reference.

Middlesex Election. — Mr. Dickson, Chairman of the Select Committee appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament, reported the following Resolutions, which were again read at the Clerk's table, and agreed to by the House; viz:--

1st. Resolved, That William H. Horton, of the Town of London, Esquire, George S. Tiffany, of the Town of Hamilton, Esquire, and Thomas D. Warren, of the Village of St. Thomas, Esquire, Commissioners appointed to take the evidence on the trial of the controverted Election for the County of Middlesex, have been guilty of neglect, in not making a Return to the Commission issued by order of the House, and to them directed in that behalf.

2d. Resolved, That the said Commissioners, Wm. H. Horton, George S. Tiffany, and Thomas D. Warren, Esquires, should be summoned to appear at the Bar of the House to answer such their neglect, and that they bear the charge of the Summons.[1]

The Hon. Gentleman MR. DICKSON in moving the adoption of the Report stated that a year had elapsed since the appointment of the Commissioners, and they had in defiance of the law and that House adjourned until the month of April. If the Report were adopted, he would then move that the Commissioners be summoned before the House to answer for their conduct.[2]

After some discussion the Report was unanimously adopted.[3]

MR. DICKSON[4] seconded by MR. ROBLIN[5] then moved to resolve,

"That Wm. Horton, of London, George S. Tiffany, of Hamilton, and Thos. D. Warren of St. Thomas, Esquires, Commissioners, appointed to take evidence on the trial of the controverted Election for the County of Middlesex, have been guilty of neglect in not making a return to the Commission issued by order of the House, and to them directed in that behalf.

"As the opinion of this Committee, that the said Commissioners should be summoned to appear at the Bar of the House, to answer such neglect, and that they bear the charge of the summons."[6]

A conversation arose in which the motion was supported by MESSRS. DICKSON, MOFFATT and BALDWIN, on the ground that the Commission had obviously failed to discharge the duty entrusted to it by the House.[7]

MESSRS. GOWAN, ROBINSON, and COL. PRINCE thought it better to summon for the present, only one of the Commissioners, Mr. Tiffany, who is now in Montreal, who perhaps will, explain the cause of delay.[8]

MR. PRES. EX. COUN. VIGER was opposed to the motion from fear that it was irregular, it was grounded upon resolutions of the Committee which he (Mr. Viger) thought the Committee had not power to pass. He wished for a few days delay in order to obviate irregular proceedings by the House.[9]

COL. PRINCE proposed an amendment to that effect.[10]

MR. BALDWIN said he should like to know the opinion of the Speaker on the subject.[11]

The speaker SIR A. MACNAB was in favor of the original motion; he thought the Committee had a right to pass resolutions and the House having adopted them the Commissioners ought, accordingly, be summoned to appear.[12]

These Resolutions were then adopted with the understanding that Mr. Tiffany should be brought before the Bar of the House on Wednesday at four o'clock, and if he gave satisfactory reasons for the conduct of himself and brother Commissioners, the summons for the appearance of Messrs. Horton and Warren were not to issue.[13]

(41)

On motion of Mr. Dickson, seconded by Mr. Roblin,

Ordered, That William H. Horton, of the Town of London, Esquire, George S. Tiffany, of the Town of Hamilton, Esquire, and Thomas D. Warren, of the Village of St. Thomas, Esquire, Commissioners appointed to

take the evidence in the matter of the Contested Election for the County of Middlesex, having been guilty of neglect, in not returning the Commission issued by the order of the House, be summoned to appear at the Bar of this House, and that they bear the expense of the Summons.

On motion of Mr. Boulton, seconded by Mr. Duggan,

Petition of Mayor, &c., of Toronto, referred.

Ordered, That the Resolution of this House referring the Petition of the Mayor, Alderman, and Commonalty of the City of Toronto, to a Select Committee, be rescinded, and that the said Petition be referred to the Standing Committee appointed to assist Mr. Speaker in the direction of the Library.

On motion of the Honourable Mr. Robinson, seconded by Mr. Merritt,

Trade and Commerce.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government praying that His Excellency will be

(42)

pleased to lay before this House, copies of all Despatches and Communications which have passed between the Imperial and Colonial Governments, on the subject of the Trade, Commerce, and Revenue of this Province, since the Despatch dated 26th September, 1844.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Oxford Election.

Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met this day, at nine o'clock, A.M., pursuant to adjournment, but were unable to proceed to business in consequence of the absence of Mr. Bertrand, a member of the Committee.

Ordered, That Mr. Bertrand, Member for the County of Rimouski, do attend in his place in this House to-morrow.

On motion of Mr. Stewart of Bytown, seconded by Mr. Smith of Frontenac,

Crown Timber, Bytown.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause to be laid before this House a Statement in detail of the transactions in the Crown Timber Office in Bytown for the year 1845; exhibiting the number of rafts passed, owners' name, the amount of duty on each raft, the gross amount of revenue for the year, the names of the agent, clerks, and servant, and the salary to each, and any other expense connected with the office; also the amount paid by Government for surveys, and the amount paid by each individual lumberman for such services; the number of timber

limits occupied or granted, the locality; the name of the party to whom granted, and the amount of deposit on each; together with the whole of the subject matter of the Commission of Enquiry appointed to investigate the affairs of the Crown Timber Office in Bytown, and the expense in detail of such Commission.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

M. LAURIN[14] dit qu'il ne s'était pas d'abord proposé d'introduire de nouveau cette année un bill pour régler la profession du notariat, mais que le bill introduit par l'hon. Président du Conseil avait produit, et à juste titre, un tel mécontement qu'il se voyait comme forcé de présenter de nouveau le sien, afin d'empêcher l'adoption de celui du président du conseil. L'hon. Président prétendait que son bill devait remédier à l'ignorance des Notaires; mais il était facile de voir que ce ne serait pas du tout le cas; ce bill ne prenait pas la profession dans son origine; la plupart de ses clauses ne renfermaient que la répétition de quelques lois déjà existantes, il ne présentait rien qui fût de nature à améliorer la profession; tout y était inutile ou mesquin, en un mot, ce n'était que les élucubrations du cerveau affaissé du vénérable Président. C'est pour quoi, il (M. Laurin) se voyait obligé d'amener devant la chambre ce bill qui n'était pas, comme celui de l'hon. Président, son chef-d'oeuvre en ce génie, mais qui était dû à M. M. Girouard et LaFontaine.[15]

MR. CAUCHON would refer both bills to the same committee in order to avoid contradictions, for one committee might make a certain set of Laws on a subject while the other would make different ones. He thought it best to make as few Laws as possible. Laws should be well weighed and matured. He would press upon Messrs. Viger and Laurin the necessity of serious (sic) and attentively considering a subject of such great importance.[16]

Cries of: agree! agree! agree![17]

We (said MR. CAUCHON) cannot always agree, even the hon. members of the Council do not always agree. Since the hon. member for the Borough of Three Rivers speaks so loudly of the love we ought to bear to our country, I beg of him to reflect upon the consequences of hasty Legislation. It would be necessary to introduce a certain measure in his bill, which I will take the liberty of bringing to his notice; I mean a measure that would be calculated to improve education and morality amongst Notaries, - for without education and morality there can be no justice. The Notarial Profession, like most others, is far from being on a respectable footing. We see many Notaries draw out Deeds for 1s 8d and even 1s 3d, - is it not natural that where science is so little valued, morality can hardly prevail. He would urge Mr. Laurin not to press his bill forward, better reflect deeply upon it and suggest to Mr. Viger the necessity of referring his bill to the same committee.[18]

M. BERTHELOT: Il paraît que l'hon. Président a cru que lui seul entendait la législation. Je suis pourtant d'avis que la mesure introduite par l'hon. membre pour Lothbinière (sic), est infiniment meilleure que le bill de l'hon. Président qui n'est qu'un assemblage de mots inutiles, et qui ne renferme pas une idée nouvelle. Le dernier clerc avocat ou notaire connait tout ce que contient ce bill. Je défie l'hon. Président de me citer une seule clause de son bill que je ne puisse trouver dans les dispositions de quelques lois déjà existantes. Il lui sied mal d'essayer à faire rejeter de cette chambre une mesure qui avait été introduite par un jeune homme qui n'a peut-être pas, il est vrai, son expérience, mais qui représente[19] a most respectable constituency which in that respect is very different from that of Three Rivers, Mr. Laurin has evinced an excellent disposition and a remarkable zeal for the interest of his constituents. His measure like that of the Venerable President is not meant only to repeat a host of useless and idle words, but it is calculated to improve the Notarial Profession. What then does Mr. Viger mean with reference to fraud which should be uprooted amongst Notaries. He speaks of special cases of fraud which have come to his personal knowledge and yet nothing is said about it in his bill. Let us wage war against fraud in every shape, I will give my most cordial support to any measure that may tend towards such a desirable object. But I am astonished that Mr. Viger has not adverted to this in his bill. If Mr. Viger had been consistent this measure would have been very different from what it is. It would have provided for the punishment of Notaries found guilty of misdemeanor, in cases where our existing laws are not sufficient. - The only cause and reason that have prompted Mr. Viger to introduce new laws relative to the Notarial profession is (sic) that he has not sufficiently studied the laws concerning it. We have existing laws which provide for every thing that is mentioned in Mr. Viger's bill; the only difference is that they are not so obscure, and the fact is that the venerable President is so lazy that he would rather make intricate and obscure laws which provide for nothing at all, than study the good existing laws.[20]

M. PRES. EX. COUN. VIGER dit qu'il ne voulait que relever les expressions dont d'étaient servis quelques honorables membres ce jour là, et dans la discussion précédente, et faire remarquer qu'elles étaient bien loin de répondre à la dignité des fonctions dont les honorables membres étaient revêtu. Il demandait ce que l'on devait penser de traits d'éloquence comme ceux de "la chétive mesure, l'avoton le (sic) bill, l'affaissement du cerveau de président du conseil," et autres expressions de même nature. Il faisait remarquer que si les honorables membres ne le respectaient pas lui-même, ils devaient quelques égards à la situation dans laquelle il se trouvait placée (sic): que les honorables membres devaient sentir, comme il le leur avait déjà fait remarquer qu'ils devaient s'abstenir de tenir un semblable langage, pour l'honneur de leur pays, pour leur propres honneur.[21]

(42)

Notarial Profession Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill for the organization of the Notarial

Profession in that part of this Province called Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday, the ninth of April next.

Provincial Penitentiary Bill. — *Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to consolidate and amend the Laws relating to the Provincial Penitentiary.*

He accordingly presented the said Bill to the House,[22]

MR. DRAPER briefly explained the objects of the bill[23]. The bill was intended to prevent the frequent collisions which had hitherto taken place between the Warden and the Inspectors[24], and for other local regulatory purposes. It also made permanent provision for a Roman Catholic Priest in connection with the institution[25] to provide religious instruction for persons belonging to the Roman Catholic religion, which was not now provided by express law.[26] It gave power to the Corporation to call the Warden before them; to summon witnesses, and gave them greater power with regard to contracts.[27]

MR. BALDWIN said that while the hon. gentleman was engaged in the matter, it would be well perhaps if he would turn his attention to[28] a difficulty which had arisen with regard to imprisonment in the Penitentiary in some cases - some cases had arisen in which persons who had been sentenced to capital punishment had had their sentence commuted to imprisonment, and then arose the question[29] whether the Warden had power to detain persons[30] in prison without a new formal sentence.[31]

MR. DRAPER was thankful for the suggestion and would attend to it.[32]

(42)

and the same was received and read for the first time, and ordered to be read a second time on Friday next.

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Speech from the Throne. — *Ordered, That the Speech of His Excellency, the Administrator of the Government, delivered to both Houses of the Provincial Legislature at the opening of the present Session, be taken into consideration on to-morrow.*

On motion of Mr. Macdonald of Kingston, seconded by Mr. Meyers,

Bank statements. — *Ordered, That the officers connected with the several chartered Banks and Insurance Offices of the Province, be respectively directed to lay before this House the statement of the affairs of the said Banks and Insurance Offices, as required by the Acts of Incorporation.*

MR. G. MACDONELL[33], of Dundas moved that the House do now resolve itself into a committee of the whole to consider the necessity of repealing the act relating to the adverse possession of lands in Upper

Canada.[34]

MR. BALDWIN said, he did not think that going into committee was the proper course to follow. He thought the proper course was to bring in a bill for the repeal of the act in question.[35]

MR. G. MACDONELL, of Dundas, said, he thought that whenever a bill is to be repealed or passed the House must go into committee.[36]

MR. BALDWIN said, that was the practice in 1841, but the practice had not been followed lately, as great inconvenience had been found to arise from it. He had opposed the repeal of the statute last session, as he thought great evils would arise from repealing it; and unless some efficient remedy was proposed he felt that he must vote against its repeal. He would like to see the bill, and if it was a well-digested scheme he might support it; but he was not however, prepared to adopt the general proposition.[37]

MR. G. MACDONELL, of Dundas, - He had taken the practice of the House for his guide, which was a sufficient authority for him. The hon. gentleman (Mr. Baldwin) last season opposed some bills because they had not originated in committee, and now the hon. member turns round upon him and reproves him for having followed the course the hon. member had then recommended. The hon. member should reserve his remarks about the question until the bill was brought forward. He would insist upon his motion.[38]

MR. AT. GEN. DRAPER did not think that it was necessary for it to go into committee upon the bill amending any law, It was only when there was appropriation of the public money proposed in a bill that there was a necessity for going into committee upon it: he doubted whether it was in the power of the House to declare that the law of England shall not govern our real estate.[39]

MR. G. MACDONELL, of Dundas, - His resolution was only for the purpose of declaring the 32d Henry VIII. inoperative.[40]

(42)

On motion of Mr. Macdonell of Dundas, seconded by Mr. Smith of Frontenac,

Real Estate. *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration Resolutions for the repeal of so much of the Act of the Parliament of England, passed in the 32d year of the Reign of His Majesty, King Henry the Eighth, which imposes a penalty upon the grantor and grantee of land; and which declares, under certain circumstances therein mentioned, a title void, and also for the abrogation of any Usage or Custom of England, which goes to the extent of invalidating the title of a purchaser, when a third party may be in adverse possession at the time of passing such title, and substituting in lieu of such Statute Law, Usage, and Custom of England, an Act to be in force in Upper Canada, to enable Parties to dispose of Real Estate*

without the disability imposed by such Statute Law, Usage, and Custom of England, as aforesaid.

The House accordingly resolved itself into the said Committee.

Mr. Seymour took the Chair of the Committee,

MR. G. MACDONELL, of Dundas - His object in introducing the present resolution was to remove a disability which existed in Upper Canada relative to the conveyance of lands; at present, the proprietor of any lands is holden to be incapable of conveying it, if he has not been in actual possession of it for more than a year - this was a great hardship in a country like Upper Canada. The law might do well enough in England, for there it was necessary for the party to be on the land, and give actual possession of it into the hands of the purchaser; at which period opposition to sale might be made; there were great doubts whether these laws are in force in England. Lord Brougham in 1844, in speaking of the ... Act, says that it was a question whether it was living or dead; it was only lately that the statute was sought to be applied in Upper Canada, and the Court of Queen's Bench there, took a long time to consider, whether the statute was in force there or not, and pending the decision of the court, a celebrated lawyer, who had spoken at the bar of this house, Mr. Cameron, gave it as his opinion that he considered that the statute was not in force. - However the court decided that it was part of the law of the land; under these circumstances he thought that it was his duty to bring the matter before the Legislature. The hon. member then moved some resolutions in accordance with notice of motion[41].

MR. SMITH (Frontenac) - Although he seconded the resolutions, he did not pledge himself to all the details of the measure, although he had no doubt it was all correct, he thought that members should be allowed more time to consider the question, and he would therefore suggest that the Committee do now rise, report progress and ask leave to sit again, and in the mean time the resolutions would be printed, and they then would be better able to judge of them.[42]

MR. G. MACDONELL, (Dundas) - Had no desire to take the House by surprise, he would therefore move that the Committee now rise and report progress and ask leave to sit again.[43]

(42)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Seymour reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Administrator of the Government,

Blue Book. — *Copy of the Blue Book for 1844.*

Also,

Provincial Penitentiary. Pursuant to the Provincial Act 4th William IV., chapter 37, the Annual Report of the Provincial Penitentiary for 1845.

(For the said Report see Appendix G.)

And also,

Assessment Rolls, (U.C.) Assessment Rolls for Upper Canada, for 1845, transmitted pursuant to 59th George III., chapter ?.

(For the said Assessment Rolls see Appendix H.)

School Bill, (U.C.) Mr. Christie from the Committee of the whole House, on the School Law of Upper Canada, reported according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient that provision should be made by Law for the expense of establishing a Normal School, and for amending the Common School Laws of Upper Canada.

Ordered, That the Honourable Mr. Attorney General Draper, have leave to bring in a Bill for the better establishment and maintenance of Common Schools in Upper Canada.

(43)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

District Court Bill, (U.C.) Mr. Boulton from the Committee of the whole House, on the propriety of amending the Schedule of the Act passed last Session, intituled, "An Act to amend, consolidate, and reduce into one Act the several Laws now in force, establishing or regulating the Practice of District Courts in the several Districts of that part of this Province, formerly Upper Canada," reported according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend the Act passed in the last Session of Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of the Province, formerly Upper Canada," in so far as the same relates to the amount of Fees which are made payable to the Fee Fund for certain services to be performed by the Clerks of the Law Districts, under the authority of the said Act.

Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to amend an Act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

A Member called and does not appear.

Mr. Bertrand, Member for the County of Rimouski, having been called, according to order, did not appear.

Notarial Titles Bill, (L.C.)

The Order of the Day for the second reading of the Bill to remove all doubts as to the validity of certain deeds, instruments, and documents, executed before Notaries in Lower Canada, and to secure the Rights, Titles, and Interests of all persons concerned therein, being read,

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Solicitor General Taschereau, the Honourable Mr. Attorney General Smith, the Honourable Mr. Morin, Mr. Chabot, and Mr. Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Real Property Conveyance Bill, (U.C.)

The Order of the Day for the second reading of the Bill to facilitate the conveyance of Real Property in Upper Canada, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Duggan took the Chair of the Committee,[44]

MR. AT. GEN. DRAPER would not take up the time of the House by any lengthened explanation of the bill, as he had explained its leading principles when he introduced it. The great object of this act is to shorten the mode of conveyance arising on real property in Upper Canada. It enacts that certain general words, therein specified, inserted in any deed of conveyance, will be held to exclude a vast variety of clauses usually inserted in deeds. The most important part of the bill is to be found in the schedule, which gives the different forms in which conveyances are to be made. This bill allows, however, individuals who prefer to stick by the old mode to do so. It gives power to the taxing officer to consider not only the number and length of the deeds, but also the skill and ability with which the professional man has drawn them up. He (Mr. D.) thought this was proper, as lawyers were liable to have actions of damages brought againt (sic) them for giving their clients an erroneous opinion respecting any deed.[45]

COL. PRINCE had read this bill with great attention, and he thought the people of Upper Canada were very much indebted to the Attorney General for having introduced it. The present mode of making convey-

ances of real property is decidedly too voluminous and expensive. The Lord Chancellor of Ireland, Sir Edward B. Sugden, than whom a better Conveyancer did not exist in the Kingdom, was opposed to any Legislative interference with the forms of conveyances - he preferred that each practitioner should be allowed to adopt his own form. This bill is a direct negative to his proposition.It gives in a few words, and at a small expense, a valid conveyance of a title. Such a bill has been introduced into England, and is found to work well. Whenever a question of law comes up in the House the hon. member for Carleton is sure to feel uneasy, but he (Mr. P.) could assure that hon. member that[46] the greatest advantage which the lawyers could possess, arose from the permission which the Canadian law gave to schoolmasters[47], Registrars and others[48], to draw conveyances of lands[49]. The mistakes and errors they have made, have been a rich harvest for the lawyers[50], for the parties who employed them had always to go to lawyers to set their errors to rights.[51] It is perfectly deplorable the sad consequences that have occurred in Upper Canada, from ignorant individuals drawing up conveyances of landed property - a person is therefore unwise, who allows his title to be drawn up by any one, but a professional gentleman of ability, and it is proper that he should be paid according to the time and talent which have been devoted to the work.[52]

(43)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Duggan reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Message from the Administrator. *The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Administrator of the Government, signed by His Excellency.*

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

CATHCART.

Reserved Bills. *The Administrator of the Government informs the Legislative Assembly in reply to their Address of the 26th instant, that he does not conceive himself to be at liberty to communicate any Despatches or parts thereof, from Her Majesty's Secretary of State, relating to reserved Bills of last Session, which are still under the consideration of Her Majesty's Government.*

Official Salaries Bill. *The Administrator of the Government transmits for the information of the Legislative Assembly copies of two Despatches from Her Majesty's Secretary of State, explaining the reasons which induced the Ministers of the Crown to advise Her Majesty to disallow the Bill authorizing the attachment of official salaries.*

GOVERNMENT HOUSE,
Montreal, 30th March, 1846.

(Copy.)
No. 399

DOWNING STREET,
1st July, 1845.

MY LORD,

I have received your Lordship's Despatches dated the 12th and the 20th of May, 1845, and numbered respectively 273 and 278, accompanied by the official transcripts of seven Bills passed by the Council and Assembly of Canada but reserved by yourself for the signification of Her Majesty's pleasure thereon.

The Bill No. 315, authorizing the creditor of a public officer, to attach a certain proportion of that officer's salary in satisfaction of a judgment obtained against him, appears to be regarded by Your Lordship as defensible, only on the assumption that some similar Law is in force in this Country. The Law of England however has not hitherto established any such rule.

When a Public Officer in this Kingdom becomes insolvent it is entirely at the discretion of his Superior Officer to determine at the instance of his Creditors, what proportion, if any of the Debtor's salary shall be appropriated to the discharge of his debts. I am not aware that any injustice has resulted, or has been alleged to result from this practice. To establish by a positive Law, the rule contemplated in this Bill, would, as it should seem, be to give to a man's Creditors, such a vested right in his future official earnings, as would afford an obstacle almost insuperable to the removal of such a person from office, even in the case of his incompetency being clearly established.

Another effect of the Rule would be to compel the Government to retain the services of a man whose official income when so reduced might become insufficient for his decent maintenance, and therefore an insufficient guarantee for his fidelity, especially if employed in any office of pecuniary trust,--on the other hand the withholding from creditors prospectively the proposed power of attachment could hardly be productive of much inconvenience, because the effect would apparently be only to diminish in an equal extent the power of public officers to obtain money or goods on credit.

These considerations compel me to pause in advising Her Majesty to assent to this Bill, but I may of course be misled by some false analogy between the circumstances and wants of this Kingdom and that of Canada, in this respect. I have therefore to desire that Your Lordship would lay this Despatch before the Executive Council of the

(44)

Province, and would report to me your own and their opinion whether for these reasons it would be fit that the Bill should not be allowed in its present form. If Your Lordship and the Executive Council should,

on the other hand, be in favor of the allowance of it by the Queen, I should wish to be fully in possession of the grounds of that opinion.

Alien Bill. *I enclose an Order made by Her Majesty in Council on the 30th ultimo, specially confirming the Alien Reserve Bill, No. 320.*

The remaining five Bills of the series are still under the consideration of Her Majesty's Government.

I have, &c.
(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G. C. B.,
&c. &c. &c.

(Copy.)
No. 431.

DOWNING STREET,
3d September, 1845.

MY LORD,

Official Salaries Bill. *I have received Your Lordship's Despatch, No. 328, of the 7th ultimo, enclosing the copy of a Report of the Committee of the Executive Council on the subject of a Bill passed by the Council and Assembly of Canada in their last Session, and reserved by yourself for the signification of Her Majesty's pleasure, authorizing the attachment of Official Salaries.*

Having fully considered your present Communication, together with the Report of the Executive Council which it encloses, I have been confirmed in the opinion expressed in my Despatch of the 1st July, No. 399, of the impolicy of this Enactment. I have therefore to inform you that Her Majesty will not be advised to confirm and allow this Act.

I have, &c.
(Signed,) STANLEY.

The Right Honourable
Lord METCALFE, G. C. B.,
&c. &c. &c.

Registry Bill, (U.C.) *The Order of the Day for the second reading of the Bill to consolidate and amend the Registry Laws of Upper Canada, being read,*[53]

MR. SOL. GEN. SHERWOOD moved the second reading of the Bill to amend the Registry Laws of Upper Canada. The hon. gentleman stated that this Bill differed by little from that now in existence, beyond remedying some defects which practice had discovered. The principal difference was the provision for the registration of deeds at length,

instead of by memorial.[54] He was willing, however, to change that clause if the House desired it, and to confine the registration to the memorial.[55]

MR. BALDWIN continued to entertain his objections[56] to that part of the bill which enforced the registry of titles in full.[57] He thought it would lead to much litigation and would facilitate fraudulent practice((s)) so common in Upper Canada[58]. He said that there were persons in Upper Canada who made a business of searching out flaws in titles[59] for the mere purpose of going to law about them[60] in order to deprive honest men of their property.[61] There were necessarily many lengthy deeds; those containing special tracts for instance, and by obliging parties to spread them out at full length upon a registry book encouragement ... was afforded to[62] these persons to carry out their nefarious designs with greater facility.[63] The old Bill did not prevent registration at length if desired.[64]

MR. WILLIAMS - Last year he opposed a compulsory registration of the whole deed, and would do the same in the present instance. - When the security was the same by registering the memorial only he thought it ought to be limited to that. Some members of the profession (he trusted and believed they were few) were base enough to avail themselves of the publication of the entire deeds to encourage litigation.[65] ((He also)) complained of the expense which would result from the registry of the whole titles.[66]

MR. ERMATINGER ((also objected to the Bill on the same grounds as Messrs. Baldwin and Williams.))[67]

MR. SOL. GEN. SHERWOOD would repeat his willingness to change the clause referred to if the House required it; he would confine the registration to the memorial or leave it optional with parties to register that or all; he was not, however, without good reasons for proposing that all should be made public[68]. ((He)) contended that the registry could not afford sufficient information to the public, unless the titles were set forth in full. As to the expense, he would say that the bill, going hand in hand with that just proposed by the hon. Attorney-General West, would not make the charge for the registry of the whole deed greater than the registry of the memorial only under the existing system.[69] He was aware that it was open to more objections, but at the same time it was in many cases very necessary to preserve the covenants on the face of the Register;[70] there were sometimes items in the deed which were not in the memorial, and which it would be important for the public to be aware of; it might happen for instance that in the deed there were gifts to a single woman to become void upon her getting married.[71] It was not, however, his intention to press this clause if it did not meet with the approbation of the House.[72]

(44)

The said Bill was accordingly read, and committed to a Committee of the whole House on Friday next.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Meyers, The House adjourned.

APPENDIX, 31 MARCH 1846.

((QUESTION AND ANSWER RE: LOWER CANADA ELECTION LAW AND AMENDMENT OF MUNICIPAL LAW.))[73]

MR. WATTS asked if it was the intention of the administration to introduce an Election Law for Lower Canada during the present session, and if they proposed to amend the Municipal Law.[74]

MR. AT. GEN. SMITH said it was not intended to introduce an Election Law[75] ni de proposer, quant à présent, aucun amendement aux lois des chemins, des écoles, etc., du Bas-Canada.[76] (Hear, hear.)[77]

MR. LAFONTAINE: It was promised last session.[78]

MR. AT. GEN. SMITH - The promise referred he thought to a measure for contested elections, he might be wrong, he would not be positive; but even if it were promised - [79]

SIR A. MACNAB.--Here the Speaker observed that the discussion on questions was not allowable.[80]

MR. AT. GEN. SMITH then answered that the Government did entend to amend the Municipal Law.[81] Il ajouta ((aussi)) qu'il serait présenté prochainement des amendements aux lois des écoles.[82]

((QUESTION AND ANSWER RE: AMENDMENT OF LOWER CANADA JUDICATURE SYSTEM.))[83]

MR. DRUMMOND begged leave to ask the Ministry if it was their intention to introduce any measure amending the present system of judicature in Lower Canada?[84]

MR. AT. GEN. SMITH replied that it was the intention of the Government to introduce any sweeping measure of Judicature[85] ((in)) the present Session[86]; it had been too much the practice of the Legislature to overturn year after year the system of Judicial proceedings. It was however his intention, if possible, to bring the subject before the House[87], for the purpose of obtaining its concurrence thereto[88], and after submitting certain resolutions and inviting discussion upon them[89], if they were sanctioned, he then proposed to bring in a general measure, founded upon these resolutions; but it would be time enough to introduce this measure next Session, after the country will have had an opportunity of expressing its opinion regarding the resolutions.[90] ((This general measure)) would be confined to "Concurrent Jurisdiction," and two or three other matters.[91] He intended, however, in the course of a few days, to introduce a bill to remedy two or three defects in the present system.[92]

((QUESTION AND ANSWER RE: OPENING OF LACHINE CANAL.))[93]

MR. CAMERON asked the Ministry pursuant to notice, when the Lachine

Canal would be expected to be opened.[94]

((Laughter from the Opposition.))[95]

MR. CAMERON ((continued:)) This question seemed to excite the merriment of hon. gentlemen opposite, but it was a subject of great importance.[96]

MR. AT. GEN. DRAPER said in answer to the question proposed by Mr. Cameron, that he considered the question was one not to be laughed at[97]; that at the earlier part of the season the Ministry had desired to know from the Engineer at what time the Lachine Canal would be opened, and had ascertained that it could not be opened before the 15th May. That day was accordingly announced to the mercantile community as the time when it would take place.[98] On this taking place the Board of Trade, of the City of Montreal had addressed a memorial to the government, representing that should the Lachine Canal not be opened before that time it would be the cause of great inconvenience to the mercantile community[99] and ... ((urging)) them to open the canal, if possible, by the 1st May.[100] This was referred to the Board of Works and they called on the Engineer of Works to state the reasons on which he founded ... ((his)) opinion.[101] The engineer in charge had reiterated his opinion upon the ground that judging from the experience of last year when the banks had given way from too early opening[102] on several occasions[103], it would be unsafe to name an earlier day.[104] He feared the same accident might happen again[105] and he would find it neccessary to effect some repairs of the banks before the water was let in, this answer was conveyed back to the Board of Trade[106]. Since that report, the weather had been unusually mild, and[107] another memorial was presented to the Board of Trade, asking if it would be impossible ... to let the water into the Canal, earlier than the time stated. The Engineer was again called upon, and[108] he had ascertained that after notice was given to the Contractors to cease work, about ten days would be required to take up levels and clear away impediments before the water could be let in[109], as the water cannot remain in this Canal as in the Welland Canal, owing to frost[110]; and a further ten days for the contractors to make arrangements for closing their works for the season. Directions had accordingly been given to the engineer if he judged it safe to[111] exert himself to the utmost of his power[112] ((to)) make arrangements for opening the Canal by the 15th of May, and to report to that effect three weeks prior to that period[113] which would give time to the government to ascertain whether the navigation might be commenced on that day, or not. If it could it would be done, but[114] if not considered safe at that period, the Government although most anxious to open it at the earliest time, could not act in the face of the engineer's report.[115] The Board of Trade would be informed at the earliest possible day of the time at which the Canal should be opened.[116]

FOOTNOTES - 31 March 1846.

1. The debate on this matter was reported by: MIRROR, misdated 30 March 1846, instead of 31 March 1846, and PILOT, 2 April 1846, in identical accounts; and MONTREAL GAZETTE, 3 April 1846.
2. MONTREAL GAZETTE, 3 April 1846.
3. IBID.
4. IBID.
5. MIRROR, 31 March 1846, misdated 30 March 1846.
6. MONTREAL GAZETTE, 3 April 1846.
7. MIRROR, 31 March 1846, misdated 30 March 1846.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. MONTREAL GAZETTE, 3 April 1846.
14. The debate on this matter was reported by: MIRROR, 31 March 1846, and PILOT, 2 April 1846, in identical accounts; LA MINERVE, 6 April 1846, whose account was edited by LE JOURNAL DE QUEBEC, 7 April 1846; and L'AURORE, 4 April 1846.
15. LA MINERVE, 6 April 1846.
16. MIRROR, 31 March 1846.
17. IBID.
18. IBID.
19. LA MINERVE, 6 April 1846.
20. MIRROR, 31 March 1846.
21. LA MINERVE, 6 April 1846.
22. The debate on this matter was reported by: BRITISH COLONIST, 10 April 1846; MONTREAL GAZETTE, 3 April 1846; and MIRROR, 31 March 1846, PILOT, 2 April 1846, and BROCKVILLE RECORDER, 9 April 1846, in identical accounts.
23. MIRROR, 31 March 1846.
24. BRITISH COLONIST, 10 April 1846.
25. MONTREAL GAZETTE, 3 April 1846.
26. BRITISH COLONIST, 10 April 1846.
27. MIRROR, 31 March 1846.
28. BRITISH COLONIST, 10 April 1846.
29. MIRROR, 31 March 1846.
30. BRITISH COLONIST, 10 April 1846.
31. MIRROR, 31 March 1846.
32. IBID.
33. The debate on this motion was reported by: MONTREAL GAZETTE, 3 April 1846; and MIRROR, 31 March 1846, and PILOT, 2 April 1846, in identical accounts.
34. MIRROR, 31 March 1846.
35. IBID.
36. IBID.
37. IBID.
38. IBID.

39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. The debate on this matter was reported by: BRITISH COLONIST, 10 April 1846; and MIRROR, misdated 30 March 1846, instead of 31 March 1846, and PILOT, 2 April 1846, in identical accounts.
45. MIRROR, 31 March 1846, misdated 30 March 1846.
46. IBID.
47. BRITISH COLONIST, 10 April 1846.
48. MIRROR, 31 March 1846, misdated 30 March 1846.
49. BRITISH COLONIST, 10 April 1846.
50. MIRROR, 31 March 1846, misdated 30 March 1846.
51. BRITISH COLONIST, 10 April 1846.
52. MIRROR, 31 March 1846, misdated 30 March 1846.
53. The debate on this matter was reported by: BRITISH COLONIST, 17 April 1846; KINGSTON NEWS, 6 April 1846, and MIRROR, misdated 30 March 1846, instead of 31 March 1846, and PILOT, 2 April 1846, in identical accounts.
54. KINGSTON NEWS, 6 April 1846.
55. MIRROR, 31 March 1846, misdated 30 March 1846.
56. IBID.
57. BRITISH COLONIST, 17 April 1846.
58. MIRROR, 31 March 1846, misdated 30 March 1846.
59. BRITISH COLONIST, 17 April 1846.
60. MIRROR, 31 March 1846, misdated 30 March 1846.
61. BRITISH COLONIST, 17 April 1846.
62. MIRROR, 31 March 1846, misdated 30 March 1846.
63. BRITISH COLONIST, 17 April 1846.
64. KINGSTON NEWS, 6 April 1846.
65. MIRROR, 31 March 1846, misdated 30 March 1846.
66. BRITISH COLONIST, 17 April 1846.
67. KINGSTON NEWS, 6 April 1846.
68. MIRROR, 31 March 1846, misdated 30 March 1846.
69. BRITISH COLONIST, 17 April 1846.
70. KINGSTON NEWS, 6 April 1846.
71. MIRROR, 31 March 1846, misdated 30 March 1846.
72. KINGSTON NEWS, 6 April 1846.
73. The debate on this matter was reported by: L'AURORE, 2 April 1846; LE CANADIEN, 3 April 1846; LE JOURNAL DE QUEBEC, 4 April 1846; and MIRROR, misdated 30 March 1846, instead of 31 March 1846, PILOT, 2 April 1846, BROCKVILLE RECORDER, 9 April 1846, and MONTREAL GAZETTE, 3 April 1846, in identical accounts. Commentaries are contained in LE JOURNAL DE QUEBEC, 7 April 1846.
74. MIRROR, 31 March 1846, misdated 30 March 1846.
75. IBID.
76. LE CANADIEN, 3 April 1846.
77. MIRROR, 31 March 1846, misdated 30 March 1846.

78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. LE JOURNAL DE QUEBEC, 4 April 1846.
83. The debate on this matter was reported by: MONTREAL GAZETTE, 3 April 1846; LE JOURNAL DE QUEBEC, 4 April 1846; and MIRROR, 31 March 1846, PILOT, 2 April 1846, and BROCKVILLE RECORDER, 9 April 1846, in accounts which were identical except that in BROCKVILLE RECORDER, some speeches have been omitted entirely. Commentaries are contained in LE JOURNAL DE QUEBEC, 4 April 1846.
84. MIRROR, 31 March 1846. LE JOURNAL DE QUEBEC, 4 April 1846, mistakenly identifies the interlocutor as Chabot.
85. MONTREAL GAZETTE, 3 April 1846.
86. MIRROR, 31 March 1846.
87. MONTREAL GAZETTE, 3 April 1846.
88. MIRROR, 31 March 1846.
89. MONTREAL GAZETTE, 3 April 1846.
90. MIRROR, 31 March 1846.
91. MONTREAL GAZETTE, 3 April 1846.
92. MIRROR, 31 March 1846.
93. The debate on this matter was reported by: BRITISH COLONIST, 10 April 1846; MONTREAL GAZETTE, 3 April 1846; and BROCKVILLE RECORDER, 9 April 1846, MIRROR, 31 March 1846, and PILOT, 2 April 1846, in identical accounts.
94. MIRROR, 31 March 1846.
95. IBID.
96. IBID.
97. IBID.
98. BRITISH COLONIST, 10 April 1846.
99. MIRROR, 31 March 1846.
100. BRITISH COLONIST, 10 April 1846.
101. MIRROR, 31 March 1846.
102. MONTREAL GAZETTE, 3 April 1846.
103. MIRROR, 31 March 1846.
104. MONTREAL GAZETTE, 3 April 1846.
105. BRITISH COLONIST, 10 April 1846.
106. MIRROR, 31 March 1846.
107. MONTREAL GAZETTE, 3 April 1846.
108. MIRROR, 31 March 1846.
109. MONTREAL GAZETTE, 3 April 1846.
110. MIRROR, 31 March 1846.
111. MONTREAL GAZETTE, 3 April 1846.
112. MIRROR, 31 March 1846.
113. MONTREAL GAZETTE, 3 April 1846.
114. BRITISH COLONIST, 10 April 1846.
115. MONTREAL GAZETTE, 3 April 1846.
116. MIRROR, 31 March 1846.

(44)

Montreal Trinity House.

MR. SPEAKER laid before the House the Accounts of the Trinity House Montreal, for the year 1845. (For the said Accounts see Appendix E.)

And also

Return of Immoveable Property held by the Corporation of the Canada Baptist Missionary Society, pursuant to Act 8 Vic. cap. 102, section 6.

Baptist Missionary Society.

The said Return is as follows:--

RETURN of Immoveable Property held by the Corporation of the Canada Baptist Missionary Society.

	ESTIMATED	
	VALUE.	RENTAL.
I. A Lot lying between Guy Street and Charles Street, St. Antoine Suburbs, Montreal, containing by admeasurement two acres and three perches, more or less, with a new Stone building, (the Canada Baptiste College) not yet finished, and a Cottage.....	£7000	None.
II. A Lot, measuring 115 feet by 92, with a Stone House and out-buildings, situated at the corner of Richmond Square, St. Antoine Street, Montreal,.....	£1200	None.
III. A Lot measuring 95 feet by 47 feet and 6 inches, with a Brick building, used as a Chapel, situated in Ann Street, Griffintown, Montreal,.....	£500	£30
IV. A piece of Land in Roxton Township, Canada East, containing ten acres, more or less, with a Dwelling House, School House, and out-buildings.....	£200	None.

J. WENHAM, Treasurer,
Com. Bap. Miss. Society.

Montreal, March 31st, 1846.

Petitions laid on the table.

The following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Robinson,--The Petition of the Reverend John M'Intyre and others, members of the United Church

of England and Ireland, in Orillia and other Townships, in the District of Simcoe, in the Diocese of Toronto.

By the Honourable Mr. Morin,--The Petition of The Very Reverend Hyacinthe Hudon, Titulary Canon, of the Cathedral of St. Jacques, at Montreal, and Vicar of the Diocese of Montreal, &c.; the Petition of Mrs. [illegible] Bouchette, Widow of the late Joseph Bouchette, Esquire; the Petition of Mrs. M.A.F. Viger, and other Ladies, Directresses of the Catholic Orphan Asylum of Montreal; the Petition of the Reverend C. Larocque and others, the Curé, Churchwardens, and School Commissioners, of the Parish of St. Jean L'Evangéliste, in the District of Montreal; the Petition of André Vandandaigue, Esquire, President of the Agricultural Society for the County of Verchères; and the Petition of André Vandandaigue, Esquire, Warden of the Municipal Council of the Parish of St. Mathieu de Beloeil.

By Mr. Cameron,--The Petition of Peter Buchanan and others; and the Petition of Benjamin Bolton and others, of the Town of Perth, and of Bathurst, and other Townships.

By Mr. Brooks,--The Petition of John Felton, Esquire, and others, inhabitants of the District of St. Francis (relating to a road); and the Petition of John Felton, Esquire, and others, of the District of St. Francis (relating to a bridge).

By Mr. Chauveau,--The Petition of Thomas Atkins, Inspector of Weights and Measures for the District of Quebec.

By Mr. Monro,--The Petition of the Reverend Jacob Gooft and others, members of the Societies of Menonists and Tunkers, residing in the Home District; and the Petition of Norman Jones and others, of the Townships of Markham and Whitchurch, in the Home District.

By Mr. Smith of Wentworth,--The Petition of Sir Allan N. MacNab and others, in behalf of the Inhabitants of the Town of Hamilton.

By Mr. Prince,--The Petition of Mrs. Margaret Heavener, of the Village of Napierville, in the County of Huntingdon.

By Mr. Gowan,--The Petition of Samuel Hitchcock and others, of the Village of Port Sarnia, in the County of Kent; the Petition of Francis

(45)

B. Baker and others, members of the United Church of England and Ireland, in the Township of Innisfil, in the Diocese of Toronto; the Petition of [illegible] and others, members of the United Church of England and Ireland, in the Township of Yonge, in the Diocese of Toronto; and the Petition of William Green, Esquire, and others, members of the United Church of England and Ireland, in parts of Yonge and other Townships, in the Diocese of Toronto.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of the Right Reverend Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the City of Toronto, in the Diocese of Toronto.

MR. SOL. GEN. SHERWOOD[2] presented a Petition from Israel Lewis, the inventor of the Firescreen, and other coloured people, praying that the

Legislature would pass an Act to prevent the application of offensive epithets to the blacks. The reading of the petition excited a good deal of amusement. It set forth that ignorant and vulgar persons were in the habit of seeking to pick quarrels with intelligent and respectable blacks, by calling them "niggers," or "damned niggers," the resentment of which epithets led to breaches of Her Majesty's peace. Further, that these terms had been originally applied by slave-owners to the people of Africa, to sink them in deeper degradation. Concluding with a prayer that the legislature would be pleased to pass a law to make it an offence against the Crown for any white above ten years of age to call any person "nigger."3

(45)

By Mr. Scott,--The Petition of Thomas Kains, Esquire, Mayor, and others the Councillors of the Municipality of the Townships of Grenville and Union, on the River Ottawa;--and the Petition of the Reverend J. Paquin and others, of the County of Two Mountains.

By Mr. Lantier,--The Petition of William Duncan, of Coteau du Lac.

By Mr. Boutillier,--The Petition of the Corporation of the College of St. Hyacinthe.

By Mr. Dickson,--The Petition of Charles Richardson, Esquire, and others, of the District of Niagara;--the Petition of Robert Hodgkisson and others, of the Township of Grantham, in the District of Niagara;--the Petition of John Hall and others, of Dumfries, in the District of Gore;--the Petition of John D. M'Kenzie and others, of Beverly and Galt, in the District of Gore, and of the United States of America;--and the Petition of the Reverend Thomas Creen and others

By the Honourable Mr. Moffatt,--The Petition of the Montreal Board of Trade -- the Petition of Sir James Stuart, of the City of Quebec, Baronet, and of Nicholas Austin, of the Township of Bolton, in the District of Montreal;--the Petition of Thomas Molson, Esquire, and others, inhabitants of the City of Montreal;--and the Petition of the Montreal Ladies Benevolent Society.

By Mr. Chalmers,--The Petition of the President, Directors, and Company, of the Bronté Harbour;--and the Petition of Edward Evans and others, of the County of Halton.

By Mr. Jessup,--The Petition of W.N. Bethune and others, members of the United Church of England and Ireland, in the Diocese of Toronto.

By the Honourable Mr. Aylwin,--The Petition of His Grace the Archbishop of Quebec, and others, inhabitants of the City of Quebec;--and the Petition of George O'Kill Stuart, Esquire, and others, of the City of Quebec, and its vicinity.

By the Honourable Mr. Cayley,--The Petition of the Reverend John Hickie and others, members of the United Church of England and Ireland, in the town of Stratford and its vicinity, in the Diocese of Toronto.

Petitions read. *Pursuant to the Order of the Day, the following Petitions were read:--*

Of L.G. Brown and others, of the County of Beauharnois, praying for the liquidation of their claims for losses sustained during the troubles

of 1838.

Of William Bowron and others, of the Townships of Godmanchester and Hinchinbrook, in the County of Beauharnois, praying to be incorporated as "The Beauharnois Plank Road Company."

Of Eden Colville, Esquire, M.P.P. and others, of the seigniory of [illegible], praying for aid to construct a Bridge across the River Chateauguay, at Ogilvie's Rapids.

Of Thomas L. Crooke, Esquire, and others, inhabitants of the Townships of Sarnia and Plympton, praying for aid to open a road along the shores of Lake Huron, through the said Townships, to the Canada Company's lands at Bosanquet.

Of Clements Bradley and others, inhabitants of the Township of Gloucester, in the District of Dalhousie; praying for the permanent establishment of a certain Line surveyed in 1837, between Lots letter A and number 1 in the Gore of the said Township.

Of D.M. Dougall and others, Freeholders and inhabitants of Upper Canada; praying that the time allowed by the Act incorporating the Niagara and Detroit Rivers Railroad Company, for the completion of the said work, may be extended two years.

Of the Ladies of the Montreal Protestant Orphan Asylum; praying for an aid in support of the said Institution.

Of Augustin Perrault and others, Merchants and Tradesmen of the City of Montreal, in the District of Montreal; praying to be allowed to establish a Bank in the City of Montreal.

Of George Brown and others, inhabitants of the Northern Division of Owen's Sound; praying for aid to improve the Road between Dundas and Owen's Sound.

Of the Mayor and Councillors of the City of Quebec; praying that the Act incorporating the Quebec Gas Light and Water Company may be repealed.

Of the Municipal Council of the District of Niagara; praying that no alterations may be made in the Common School Act, except those prayed for by them in a former Petition.

Of the Municipal Council of the District of Talbot; praying that the time allowed by the Act incorporating "the Niagara and Detroit Rivers Railroad Company" for the completion of the said work be extended two years.

Of M. Mason and others, members of the United Church of England and Ireland, of the Township of Kingston, in the Diocese of Toronto; and of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the Parishes of Adolphustown and Fredericksburgh, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Reverend R.G. Plees and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of H.H. Whitney and others, members of the United Church of England and Ireland, in the Diocese of Quebec, in connexion with St. George's Chapel, Montreal; praying that measures may be adopted for vesting in the Church Society

of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Municipal Council of the District of Niagara; praying that a more economical mode of disposing of the wild Lands of the Province be devised, and that the funds arising from the same be applied to the support and maintenance of Common Schools and Literary Institutions.

Of Daniel Hoover and others, inhabitants of the Township of Walpole, in the District of Talbot; and of James L. Green and others, inhabitants of the Township of Townsend, in the District of Talbot; praying that the controul of the Clergy Reserve Lands be not given into the hands of one or more Religious Societies, but that the same may be sold as heretofore.

Of C.P. Huot, Esquire, and others, inhabitants of the Parish of Baie St. Paul, in the County of Saguenay; praying that a sum of money be placed at the disposal of the Board of Works for the purpose of constructing a Bridge over the "Rivière du Gouffre."

Of Alexis Otisse and others, of the Parish of Baie St. Paul, in the County of Saguenay; praying that a Sum be granted for the improvement of the Roads in the said Parish.

(46)

Of James Alexander and other, Navigators, residing in the County of Saguenay; praying to be made Branch Pilots for the River Saguenay exclusively, and for a Tariff of Fees.

Of the Reverend L.A. Bourret and others, inhabitants of the County of Saguenay; praying that a small house be erected at "La Rivière aux Outardes," with a depot of provisions, and that a Schooner and a Life Boat be constructed at the expense of Government, for the purpose of saving the lives of persons shipwrecked on the Manicouagan Shoals, and other places, and that a Keeper be appointed to the said station.

Of Simeon Destroismaisons, Esquire, and others, of St. Urbain and other Parishes in the County of Saguenay, praying that a Sum be granted them to enable them to build a Bridge over the "Rivière du Gouffre."

Of the Reverend B. Honorat and others, residing on the River Saguenay; and of David Gagnon and others, residing on the River Saguenay; praying that certain changes be made in the Laws respecting property, in order to meet the exigencies of that Settlement.

Of the Municipal Council of the District of Simcoe; praying to be authorized to impose a Tax upon improved properties within the said District.

Of the Municipal Council of the District of Simcoe; praying to be authorized to Assess and Collect a certain Rate of Taxes on Town Lots in the District Town of Barrie.

Of the Municipal Council of the District of Simcoe; praying to be authorized to Levy and Collect a Tax upon wild Lands in the said District.

Of the Municipal Council of the District of Simcoe; praying that the Registry Office may be removed to Barrie, the District Town.

Of Gerald Alley and others, inhabitants of the Township of Oro; praying for aid to improve a certain Road through the said Township.

Of James Wickens, Esquire, President of the Simcoe Agricultural

Society; praying for the establishment of a Provincial Agricultural Society; and that an aid be granted for that purpose, and for the endowment of a Professorship of Agriculture in King's College.

Of John R. Gemmill, of the town of Lanark, in the District of Bathurst; praying that he may receive a grant of land made to the late Reverend John Gemmill, his father, but not located by him.

Of the Reverend A.G. Laurie, and others, ministers and members of the Christian Universalist Association of Canada West; praying to be recognized by law, as entitled to the right and privileges enjoyed by other Christian Bodies in the Province.

Of Joseph Louis Héon, of the Township of Somerset; praying for indemnity on account of loss arising from the construction of the Arthabaska Road.

Of Ebenezer Jewell, of Demorestville; praying for a grant of land, in consideration of his services and sufferings during the late war with the United States.

Of Stephen Bowerman, of the Township of Hollowell, in the District of Prince Edward; complaining that a certain lot in the said Township, purchased by him from Government, does not contain the amount of land specified in the Letters Patent, and praying Relief.

Of Samuel De Veaux and others, of Niagara Falls; praying for an Act of incorporation, for the purpose of constructing a Bridge across the River Niagara, at the Falls.

Of Donald M'Dermid, of Cornwall, formerly an officer in the Militia of Glengarry, praying for certain arrears of pension.

Of Lachlan Bell and others, of Upper Canada; praying that the time [illegible] by the Act incorporating "the Niagara and Detroit Rivers Railroad Company," for the completion of the said work, may be extended two years.

Of Richard Millar and others, the President and Members of the Board of Police of the town of Niagara; praying for a repeal of so much of the Act 59 Geo. III. chap. 7, as makes the rate of Assessment on town Lots £50, as far as regards the said town.

Of the Municipal Council of the District of Niagara; praying for the passing of an Act to close up certain allowances for a road in Grantham.

Of the Municipal Council of the District of Niagara; praying for a repeal of so much of the Act 59 Geo. III., Chap. 7, as values Town Lots at £50, in so far as the same relates to the Towns of Niagara and Queenston.

Of the Municipal Council of the District of Niagara; praying for the passing of an Act requiring all public Temperance and other Houses to provide suitable accommodation for travellers.

Of David Johnston and others, of the Township of Kilkenny, Canada East; praying for aid to open a road, and that the said Township be declared a distinct Municipality.

Of the Honourable J.R. Vallières de St. Réal and others, the Justices of Her Majesty's Courts of Queen's Bench, in Lower Canada; praying for the passing of an Act to ascertain and determine the travelling expenses of the Justices of the said Courts in Lower Canada.

Of Joseph Lemonde of Montreal; complaining that he has been dismissed from the situation of a Messenger to the Legislative Assembly, and praying for an inquiry into the causes of his removal.

Of John Sharples, Esquire, Supervisor of Cullers, of the City of Quebec; praying for an increase of salary, as recommended and prayed for by the Petition of certain Merchants and shippers of lumber of the said City.

Of Mrs. Marion Gibb and other Ladies, Members of the Committee of Management of the Charles Street Infant School, Quebec; praying for an aid in support of the said Institution.

Of Lady E. Stuart and other Ladies, the Committee of the Quebec Infant School; praying for aid in support of the said Institution.

Of the Reverend J.B. Côté and others, of the Seigniories of Métis, Pachot and Matane, in the County of Rimouski; praying that a sum of money be granted to them to make a road from Metis to Matane.

Petitions referred.

Isaac Law, et al.

Resolved, That the Petition of Isaac Law and others, be referred to a Select Committee, composed of Mr. Colville, Mr. Macdonald of Kingston, Mr. Stewart of Bytown, Mr. DeWitt and Mr. Price, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

William Bowron, et al.

Augustin Perrault, et al.

Dempsey's Relief Bill.

Ordered, That the Petition of William Bowron and others, of the Townships of Godmanchester and Hinchinbrook, in the County of Beauharnois; the Petition of Augustin Perrault and others, Merchants and Tradesmen, of the City of Montreal, in the District of Montreal; and the Bill to authorize the Courts of Queen's Bench and Chancery in Upper Canada in their discretion, to admit John W. Dempsey to practice as an Attorney and Solicitor therein; be referred to the Standing Committee on Private Bills.

Samuel De-Veaux, et al.

Resolved, That the Petition of Samuel De Veaux and others, of Niagara Falls, be referred to a Select Committee, composed of Mr. Merritt, the Honourable Mr. Daly, the Honourable Mr. Baldwin, Mr. Dickson, and Mr.

(47)

Cummings, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

John R. Gemmill.

Resolved, That the Petition of John R. Gemmill, of the Town of Lanark, in the District of Bathurst, be referred to a Select Committee, composed of Mr. Cameron, Mr. Webster, Mr. [illegible] of Bytown, Mr. Macdonell of Stormont, and the Honourable Mr. Morin, to examine the contents there-

of, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Thos. B. Reid, et al.
F. W. Sandys.

Ordered, That the Petition of the Reverend Thomas B. Read and others, members of the United Church of England and Ireland, in the Parish of Port Burwell, in the Diocese of Toronto; and the Petition of the Reverend Francis William Sandys and others, members of the United Church of England and Ireland, in Howard and other Townships, in the Diocese of Toronto, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Mayor, &c., of Quebec.

Resolved, That the Petition of the Mayor and Councillors of the City of Quebec, be referred to a Select Committee, composed of Mr. Chabot, the Honourable Mr. Aylwin, the Honourable Mr. Daly, the Honourable Mr. Morin, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. W. STEWART, of Bytown,[5] ((moved)) that a petition be referred to a select committee, with power to report by bill or otherwise.[6]

MR. BALDWIN said, that he thought it an objectionable course to give committees, on subjects of this kind, leave to report by bill. There ought to be a report of facts first made to inform the House and upon which to ground the permission to introduce a bill.[7]

MR. AT. GEN. DRAPER, without knowing, or wishing to know, the names of parties referred to by the motion, entirely agreed with the suggestion of the learned member for the Fourth Riding of York, and would recommend that the words "by bill" be struck out.[8]

MR. W. STEWART agreed that the words "by bill" be expunged.[9]

(47)

Wm. Rogerson, et al.

Resolved, That the Petition of William Rogerson and others, Manufacturers of Lumber, of the Province of Canada, be referred to a Select Committee, composed of Mr. Stewart of Bytown, the Honourable Mr. Moffatt, the Honourable Mr. Aylwin, Mr. Cameron, and Mr. Leslie, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Oxford Election.

Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met this day at nine o'clock, A.M., but were unable to proceed to business, in consequence of the absence of Mr. Bertrand, a member of the Committee.

Ordered, That Mr. Bertrand, Member for the County of Rimouski, do attend in his place in this House, to-morrow.[10]

On motion of Mr. Dickson, seconded by Mr. Roblin,

Middlesex Election. Ordered, That the Order of this House of yesterday, "That William H. Horton, of the Town of London, Esquire; George S. Tiffany, of the Town of Hamilton, Esquire; and Thomas D. Warren, of the Village of St. Thomas, Esquire, Commissioners appointed to take evidence in the matter of the Contested Election for the County of Middlesex, having been guilty of neglect, in not returning the Commission issued by the Order of the House, be summoned to appear at the Bar of this House; and that they bear the expense of the Summons;" be now read.

The said Order was read accordingly.

Ordered, That George S. Tiffany, Esquire, one of the said Commissioners, be now called to appear at the Bar of this House, to be examined on the subject matter of the Contested Election for the County of Middlesex.

G.S. Tiffany, Esquire. The said George S. Tiffany, Esquire, was accordingly called, and appeared at the Bar of the House, and was examined by the Honourable Mr. Solicitor General Sherwood, as follows:--

Question 1. Are you one of the Commissioners appointed by this House to take the Evidence on the trial of the Contested Election for the County of Middlesex.

Answer. I am.

Question 2. Why has not a Return been made by the Commissioners of their proceedings upon the said Commission.

Answer. I appear at the Bar of this Honourable House, in obedience to an Order of this Honourable House, in the matter of the Contested Election for the County of Middlesex, calling upon the Commissioners to account for their neglect in not returning the Commission issued by Order of this Honourable House. I beg to state, for the information of this Honourable House, that the Commissioners finished taking evidence early in the month of July last, and adjourned over to the 16th day of October last, in order then to make the Return of the Commission.

I was unable to give my attendance on that day, in consequence of severe illness which confined me to my bed, and therefore I had, some days previously, requested Mr. Notman to inform the other Commissioners of my inability to attend on the day to which we had adjourned; from this time, until the month of February, I had no communication with either of the other Commissioners, excepting with reference to the entry on the record of our proceedings, of a minute made by me explanatory of the causes of our adjournment from the month of March to that of June, 1845, and also containing my opinion as to alleged Protest said to have been made by one of the contending parties.

On the second day of February last, being at London, I saw Mr. Horton, the Chairman of the Commission, who informed me, to my surprise, that he had again adjourned to some day in March last. I then stated to

him that unless the Commission should be returned, by the first day of the meeting of Parliament, that I feared it would be considered a contempt of this Honourable House. I also urged him to make the Return as soon as possible; since that time I have had no communication from either of the Commissioners, but I have heard it rumoured in this City that they had again adjourned to some day in the present month.

I also beg leave to state, that my place of residence is about eighty miles distant from that of the other Commissioners, and the places for holding the sittings of the Commission, which rendered frequent personal intercourse with them inconvenient. My opinion was, and is, that the Chairman has the direction of the movements of the Commissioners, and that the duty of returning the Commission more particularly devolves upon him. I was also of the opinion that, having been unavoidably absent upon the sixteenth day of October last, my signature and seal to the return was unnecessary; still had I been requested to assist in making the return at any subsequent time, I would most cheerfully have done so.

I beg to assure this Honourable House, that I have endeavoured, on all occasions, faithfully to discharge my duties as a Commissioner in

(48)

this matter, and that nothing would give me greater concern and regret than to be considered disobedient to the lawful commands of this Honourable House, or disrespectful of its high powers and privileges.[11]

COL. PRINCE said he considered Mr. Tiffany's excuse sufficient to exonerate him, and he hoped that some Member of the Committee would move that his excuse be received.[12]

MR. SOL. GEN. SHERWOOD then moved, seconded by MR. AYLWIN, that G. S. Tiffany, Esq. withdraw.[13]

(48)

Ordered, That George S. Tiffany, Esquire, be directed to withdraw.
Mr. Tiffany then withdrew.

MR. SOL. GEN. SHERWOOD ((then)) ... moved, seconded by MR. AYLWIN that George S. Tiffany, Esq., had satisfactorily answered the charge[14] of neglect[15] brought against him by the Committee, and that the order of the house by which he was made to appear be discharged.[16]

MR. SOL. GEN. SHERWOOD said that with regard to the remaining Commissioners, upon whom the blame appeared to be thrown, by Mr. Tiffany's answer, summonses should be issued for their appearance at the Bar forthwith.[17]

(48)

Resolved, That the said George S. Tiffany, Esquire, has satisfactorily answered the neglect charged against him as one of the Commissioners for taking evidence on the trial of the Contested Election for the County of Middlesex.

Ordered, That the Order of this House of yesterday, "That William H. Horton, of the Town of London, Esquire; George S. Tiffany, of the

Town of Hamilton, Esquire; and Thomas D. Warren, of the Village of St. Thomas, Esquire, Commissioners appointed to take evidence in the matter of the Contested Election for the County of Middlesex; having been guilty of neglect in not returning the Commission issued by the Order of the House, be summoned to appear at the Bar of this House, and that they bear the expense of the Summons;" be discharged, in so far as it relates to the said George S. Tiffany, Esquire.

DR. TACHE[18] moved an address to his Excellency for the statement of the expenses of the Administration of Justice in Upper Canada, for the years 1841, '42, '43, '44, '45.[19]

MR. AYLWIN seconded the motion, which he hoped would pass, owing to many honorable members laboring under a wrong impression relative to the expense. The motion went to ask what portion was paid from the public treasury, and what portion out of the district funds, or other local subdivisions.[20]

MR. DUGGAN had no objection to the motion, provided it included Lower Canada. He thought the distinction should not be made.[21]

MR. MERRITT was of opinion that the motion should include the years 1836 and 1840. Because in the former, the administration of justice being before the establishment of double circuits, had cost but £3800, and since the year 1840 it had greatly increased.[22]

MR. SOL. GEN. SHERWOOD hoped the hon. member would consent to include Lower Canada. Hon. members would then be able to see the contrast of the amounts paid out of the general revenues.[23]

DR. TACHE had no objection to include Lower Canada in his motion, but he thought it unnecessary to enter upon any date anterior to the Union.[24]

(48)

On motion of Mr. Taché, seconded by the Honourable Mr. Aylwin,

Address: Administration of Justice.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that His Excellency will cause to be laid before this House, a statement for the years 1841, 1842, 1843, 1844, and 1845, of the amount of expenses incurred for the support of the Administration of Justice in this Province,--specifying how much thereof is defrayed out of the Provincial Treasury, and the portion borne by the Districts or of other localities.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Members of Legislative Council to attend Select Committees.

Resolved, That a Message be sent to the Honourable the Legislative Council, praying their Honours will permit the Honourable Thomas M'Kay, one of their Members to attend the Select Committee of this House, to which is

referred the Petition of Hamnett Pinhey, Esquire, Warden of the Municipal District of Dalhousie, on Friday next, at ten o'clock in the forenoon, to be examined on the subject of the said Reference.

Ordered, That Mr. Stewart of Bytown, do carry the said Message to the Legislative Council.

Resolved, That a Message be sent to the Honourable the Legislative Council, praying their Honours will permit the Honourables John Neilson and Louis Massue, two of their Members, to attend the Select Committee of this House, to which is referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of l'Ancienne Lorette, and other references on Monday next, at eleven o'clock in the forenoon, to be examined on the subject of the said references.

Ordered, That Mr. Chauveau do carry the said Message to the Legislative Council.

MR. MERRITT[25] said, the object of the motion of which he had given notice, was to obtain the amount expended on different portions of the St. Lawrence Canal - (hear, hear,) - the expense attending them since opened, with a view of contrasting it with the amount of Tolls received. It was his intention to refer the information received to a committee of the House, to examine evidence and make a report thereon for the information of the public. He (Mr. Merritt) adopted that course[26] in order to bring before the House a matter which had already been publicly discussed, and which was of vital importance to the commercial interests of the country[27], ((and)) in order to correct the gross misrepresentations which had been made. It had been asserted that the Board of Trade of this city had memorialized the Government to[28] ((provide)) a continuous tow path, or, in lieu of that, steam tugs to tow vessels from canal to canal, and in and out of the canals[29] , to compete with individuals in the Forwarding Trade, and that he (Mr. Merritt) had advocated that measure; whereas, all that was ever attempted, or ever designed, was simply to complete the canal from end to end, and open a fair competiton between vessel and vessel for the transit of the country[30], and not to compete with any person.[31] At the present time, the trade of Canada was at the mercy of the Forwarders, and it would be impossible for us to take advantage of free trade with England, unless the rates of transport were much reduced.[32] Would it be credited that after an expenditure of millions this canal had failed to effect the object for which it was constructed, namely, to cheapen transportation from our great inland lakes to the ocean and vice versa, and failed to produce an income, or any portion of the interest on the capital employed in its construction?[33] The cost of freight on a barrel of flour from Kingston to Montreal, a distance of from 180 to 190 miles, was 1s. 9d.[34]. Would it be credited that the products of Canada are subject to a tax of 1s 9. per barrel for flour for 100 to 130 miles, and for merchandise to £2 10s. per ton, without paying any portion into the revenue for Toll, when on the Erie Canal before July last only 9d. was paid to forwarders for carrying a barrel of flour from Buffalo to Albany, a distance of 360 miles, without toll? (Hear, hear.)[35] These were facts generally known. He would ask what was paid on a ton of

goods from Prescott to Kingston - it was ten dollars a ton; but if the tug-boats were established, it would be much reduced[36], to one half the price down and to 2 dollars per ton upwards besides payment of toll.[37] It may be argued and has been argued with much plausibility, that Government should in no instance interfere in anything which can be effected by private enterprise; this he (Mr. M.) admitted to the fullest possible extent, but he maintained that making a continuous navigation or providing means to connect portions of that navigation where a towing path was impracticable, interferes with no individual or any private interest whatever, but only assists every description of Craft large or small, to pass with certainty and facility. Again it had been said that the connection of those Cuts should be left to private enterprise because Government does not employ steamers in Atlantic Ports, or Rivers and Lakes. This he (Mr. Merritt) also admitted; it would be the height of folly for Government to do so, but there was no analogy between the two cases.[38] In Europe there was no instance of any such tug-boats, neither in Liverpool nor any other harbor; and why? because[39] the Almighty who distributes his favours equally to all, has provided wind or tides or both, in all these situations, so that any vessel can reach her destination when this power is favourable; steam here is a mere question of time, it may be employed or dispensed with at pleasure and produce no effect on the power of transit for the entire country, not so on this Canal which is composed of short cuts, a strong current in places, and an intricate channel in those lakes, through which it is impossible to beat up[40]. At the present time, private parties, after running through the canals, had to wait the pleasure or convenience of the forwarders before they could return.[41] He (Mr. M.) merely called the attention of members to those facts, in order they might understand his object[42]. He would again repeat, the object of the measure was to compete with no person: it was to perfect the work.[43] We are now soon to be left to our own resources, and will be subject to more active competition from the Erie canal, it is most important to make the St. Lawrence a perfect work; he had no fear of the result, and he would never cease keeping the subject before the public until the object for which the Canal was constituted, should be accomplished, and that is to cheapen the price of Freight.[44]

(48)

On motion of Mr. Merritt, seconded by Mr. Cummings,

Address for Statement of Expenses, Public Works.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause the Inspector General to lay before this House, a Statement of the amount expended on the different cuts or portions of the St. Lawrence Canals; at what time the Cornwall and Beauharnois Canals were opened; the number of people employed; the amount of salaries or wages paid; and the expenses incurred on each since opened, with the amount of tolls recieved on up and down freight during the same period. Also,--To direct the Board of Works

to report to this House whether it is their intention to finish this Canal, so as to admit the free passage of vessels from the upper lakes to tide-water and back, without transhipment; and whether it is their intention to furnish a continuous towing-path, or steam-power, to admit the free passage of each vessel between Prescott and Montreal; and if not, to report in what manner vessels are to be supplied with the means of returning, where a towing-path is not provided.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such members of this House as are of the Honourable the Executive Council of this Province.

MR. WATTS[45] moved for a Select Committee[46] of seven to examine the two Despatches respecting the Provincial Customs Act of last Session[47]. He stated the reason for so doing, was because he believed that one of these Despatches was written upon incorrect information, and the other upon no information at all[48], and it was to correct the one and supply the other than (sic) he moved for the Committee.[49]

(48)

Provincial Customs Act.

Resolved, that the copies of the Despatches from Her Majesty's Principal Secretary of State for the Colonies, respectively dated the 25th April, 1845, and the 3d February, 1846, with their enclosures, relating to the Provincial Customs Act, passed during the last Session, and transmitted to this House by Message from His Excellency, the Administrator of the Government, on the 26th ultimo, be referred to a Select Committee, composed of Mr. Watts, the Honourable Mr. Robinson, Mr. Brooks, the Honourable Mr. Cayley, Mr. Lantier, the Honourable Mr. Morin, and Mr. DeWitt, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The order[50] for bringing down Messrs. Horton and Warren was then confirmed.[51]

COL. PRINCE hoped the House would reconsider the matter: it would be very hard upon these young men who, he believed, erred through ignorance, to be compelled to come 500 miles[52] from the locality in which they lived, to Montreal at this season[53], and to appear before the House, and at their own expense.[54] As the Commissioners were both young practitioners of the law they probably overlooked the injunctions of the Law.[55] He would move that the Speaker be requested to order Messrs. Horton and Warren to send down, forthwith the commission in the matter of the contested election of Middlesex, with the evidence taken thereon, and all papers and documents relative thereto, and that the order for their appearance at the bar of the House be suspended.[56]

(48)

Middlesex Election.

Mr. Prince moved, seconded by Mr. Smith of Frontenac, That an Order do issue from this House, directed to Wm. H. Horton, Thomas D. Warren, and George S. Tiffany, Esquires, Commissioners appointed to take evidence in the Contested Election for the County of Middlesex, commanding them forthwith to return to this House, the Commission and all the evidence

taken by the said Commissioners in connexion with the said Election for the said County, as well as any documents pertaining thereto, which may have been produced before them; and that the Speaker's summons for their attendance be dispensed with for the present.

MR. SMITH supported the motion. He did not consider that Messrs. Horton and Warren intended contempt to the House.[57]

MR. SOL. GEN. SHERWOOD contended that the Commissioners had acted wrong, and it did not matter whether it was from ignorance or neglect; it should be shewn to them and to the country, that the House would under no circumstances whatever permit such conduct; he (the Solicitor General) also thought that the present motion was out of order, it went to rescind the resolution come to by the house yesterday, and if such a course was allowed the business of the house would be exposed to great confusion; a member at any time could take advantage of a thin house to upset former proceedings.[58]

MESSRS. BALDWIN and LAFONTAINE hoped the House would not entertain the motion. They did not believe the keeping back the evidence was a willful act; yet the conduct of the Commissioners had caused that House an inconvenience which it should teach them that it would not submit to under any consideration whatever.[59]

SIR A. MACNAB. The Speaker thought the motion was not strictly out of order, although it would not look well on the journals.[60]

(48)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

There being only four Yeas, MESSRS. PRINCE, SMITH, MYERS, and JOHNSTON.[61]

MR. G. MACDONELL[62] of Dundas, moved, seconded by MR. D. MACDONELL of Stormont, - That the house do now resolve itself into a Committee of the whole to consider certain Resolutions in favour of extending, in Upper Canada, the trial by jury in certain cases.[63] Mr. ((G.)) Macdonell made this motion for the purpose of ascertaining the opinion of the members before going into Committee; he (Mr. McD.) considered that the right to a trial by jury, was the birth right of every British subject, and it was a privilege that ought to be sacredly guarded against all encroachments; this right was at present infringed upon by several Acts, passed by the Legislature of Upper Canada, and he desired to repeal these Statutes; Magistrates had now the right to try many breaches of the revenue laws, and for petty tresspass (sic) &c.[64] His object was to move a repeal of all those laws which made offences against the Customs and Excise Acts to be tried before two magistrates, and to transfer the jurisdiction, in such cases, to[65] another Court, where trial by jury might be obtained. He did not wish to establish any new Court or offices, and create additional expenses, but would make use of the Division Court which was now in existence, a Court which he thought,

was fully competent to take congnizance of the offences already mentioned. In the bill which he intended to introduce, if these resolutions should pass the house, he would enact, that the subject should be tried in the Division Court of the section in which he resided, as the law now stands, persons charged with offences against the Revenue Laws, were at the mercy of the Inspectors; he had known persons[66] dragged[67] 120 miles from their homes[68] to the other ((end of the District))[69] to be tried[70] at the arbitrary will of the District Inspector, who, from personal dislike or political feeling ... ((had)) ... harass((ed them. This)) was now too frequently the case.[71]

(48)

On motion of Mr. Macdonell of Dundas, seconded by Mr. Macdonell of Stormont,

Trial by Jury. *Resolved, That this House do now resolve itself into a Committee of the whole House for the consideration of certain Resolutions to extend the right of Trial by Jury, in certain cases, in Upper Canada.*

The House accordingly resolved itself into the said Committee. Mr. Sherwood of Brockville, took the Chair of the Committee.

MR. G. MACDONELL ((continued:)) The Inspector can now go to any Magistrate in the District, perhaps a personal friend, get him to issue a summons, returnable before himself and another Justice of the Peace, and get the offence tried before these parties who are prejudiced in favour of the prosecutor, and thus the unfortunate individual is deprived of fair justice.[72] The change of jurisdiction would not be attended with any increased expense to the country; it would extend the benefits of trial by jury, and, what was still more to be wished, allow men to be tried by their peers. He was aware that it would be objected to this, that there would be a difficulty in obtaining convictions in this manner[73], that juries will be inclined to favour the offender, being his neighbours, but such an objection cannot be maintained, as the administration of justice in Upper and Lower Canada is so pure, as to be above suspicion, the juries are taken from the same class as the magistrates, viz: the substantial Yeomen of the country, and surely they are as well able to decide the merits of the case, when examining it as juries, as when they sit in a judicial capacity[74]. He had too high an opinion of a British Juryman, to believe that, under any circumstances, his verdict would be biassed.[75] He (Mr. McD.) was a young member of the house, and had no desire to bring in a number of bills; he would therefore, be very happy should the ministry take the subject up, and relieve him from the responsibilities of this measure.[76]

MR. ERMATINGER opposed the Resolutions, he thought they would have the effect of preventing convictions, for unless the parties, who are guilty of breaches of the Revenue Laws, can be brought up immediately before a judge or magistrate and have the case summarily disposed, these laws would become perfectly nugatory, as the guilty individuals were

generally persons of no means. The people though they complain of the infringement of law will not become informers, so the Inspector is obliged to go about the country during the night, and at other times, and search out the offenders; the District judge, at least the one in the London District, had too much to do at present, and no further duties ought to be imposed upon him.[77]

MR. AT. GEN. DRAPER recommended the hon. member or (sic) Dundas not to press his motion, but to move that the Committee rise and report progress, as he (Mr. D.) wished to have a further consideration of the Resolutions.

MR. G. MACDONELL would be happy to do so, if the Attorney General would promise his support to them.[79]

MR. AT. GEN. DRAPER could not pledge himself.[80]

(48)

And after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Sherwood of Brockville, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

(49)

Ordered, That the said Committee have leave to sit again on Monday next.

Member called and did not appear. — *Mr. Bertrand, Member for the County of Rimouski, having been called, according to order, did not appear.*

La Communauté des Filles de la Charité of St. Hyacinthe, Incorporation Bill. — *The Order of the Day for the second reading of the Bill to incorporate "La Communauté des Filles de la Charité" of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes being read,*

Ordered, That the said Bill be read a second time to-morrow.

Great Western Railroad Bill. — *The Order of the Day for the Second Reading of the Bill to alter and amend the charter of the Great Western Railroad Company, being read,*

Ordered, That the said Bill be read a second time on Monday next.

Bill to Extend Great Western Railroad. — *The Order of the Day for the Second Reading of of the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, being read,*

Ordered, That the said Bill be read a second time on Monday next.

Consideration of Speech. — *The Order of the Day for taking into consideration the Speech of His Excellency, the Administrator of the Government, delivered to both Houses*

of the Provincial Legislature, at the opening of the present Session, being read,

The House proceeded accordingly to take said Speech into consideration. And the said Speech was read.

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Resolved, That a Supply be granted to Her Majesty.

Resolved, That this House will, on Friday next, resolve itself into a Committee of the whole House, to consider of the Supply granted to Her Majesty.

Then, on motion of Mr. DeWitt, seconded by Mr. Leslie,
The House adjourned.

FOOTNOTES - 1 APRIL 1846.

1. The PILOT, 2 April 1846, reported: "The proceedings in the House last evening were not of much importance."
2. The debate on this petition was reported by: ST. CATHARINES JOURNAL, 16 April 1846; MIRROR, 3 April 1846, which incorrectly noted it among the petitions of that day; and CHATHAM GLEANER, 14 April 1846, MONTREAL GAZETTE, 3 April 1846, and BRITISH COLONIST, 17 April 1846, in identical accounts. The BRITISH COLONIST mistakenly identified it as ocurring on the agenda for the 31st of March.
3. MONTREAL GAZETTE, 3 April 1846. According to MONTREAL GAZETTE: "The honourable gentleman read the petition, but was inaudible in the Reporters' gallery."
4. For a discussion on this petition see the APPENDIX of 14 April 1846.
5. The debate on this matter was reported by: MIRROR, misdated 30 March 1846, instead of 1 April 1846, and PILOT, 2 April 1846, in identical accounts.
6. MIRROR, 1 April 1846, misdated 30 March 1846.
7. IBID.
8. IBID.
9. IBID.
10. LE JOURNAL DE QUEBEC, 7 April 1846, commented: "Il est singulier que M. Bertrand ne soit pas ici, lorsque tant de personnes ont dit l'avoir vu ou avoir entendu parler de lui sur le chemin. Suivant une personne, il avait été vu lundi à Berthier; c'est a 15 lieues de Montréal. Ce qu'il y a de bien certain, c'est qu'il n'est pas dans cette ville."
11. The debate on this matter was reported by: MONTREAL GAZETTE, 3 April 1846, and CHATHAM GLEANER, 14 April 1846, in identical accounts; and MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts.
12. MONTREAL GAZETTE, 3 April 1846.
13. MIRROR, 1 April 1846.
14. IBID.
15. MONTREAL GAZETTE, 3 April 1846.
16. MIRROR, 1 April 1846.
17. IBID.
18. The debate on this motion was reported by: MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts. Commentaries are contained in LE JOURNAL DE QUEBEC, 7 April 1846.
19. MIRROR, 1 April 1846.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. The debate on this matter was reported by: CHATHAM GLEANER, 14 April 1846, MONTREAL GAZETTE, 3 April 1846, and BRITISH COLONIST, 17 April 1846, in identical accounts; MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts; and ST. CATHARINES JOURNAL, 16 April 1846. A commentary may be found in KINGSTON NEWS, 6 April 1846.

MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
ST. CATHARINES JOURNAL, 16 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
ST. CATHARINES JOURNAL, 16 April 1846. MONTREAL GAZETTE, 3 April 1846, reported the cost as being 1s. 6d.
MIRROR, 1 April 1846.
ST. CATHARINES JOURNAL, 16 April 1846.
MIRROR, 1 April 1846. ST. CATHARINES JOURNAL, 16 April 1846, however, commented parenthetically: "(We understood the hon. member to say four dollars a ton.)"
MIRROR, 1 April 1846.
ST. CATHARINES JOURNAL, 16 April 1846.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
ST. CATHARINES JOURNAL, 16 April 1846.
MIRROR, 1 April 1846.
The debate on this motion was reported by: MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts; and BRITISH COLONIST, 17 April 1846, and MONTREAL GAZETTE, 3 April 1846, in identical accounts.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
The debate on this matter was reported by: MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts; and MONTREAL GAZETTE, 3 April 1846, and CHATHAM GLEANER, 14 April 1846, in identical accounts.
MONTREAL GAZETTE, 3 April 1846.
IBID.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
IBID.
MIRROR, 1 April 1846.
MONTREAL GAZETTE, 3 April 1846.
MIRROR, 1 April 1846.
IBID. PILOT, 2 April 1846, commented: "We were happy to observe that there was almost an unanimous vote in favour of sending for the Middlesex Commissioners to explain their conduct in withholding the evidence."
62. The debate on this motion was reported by: MIRROR, 1 April 1846, and PILOT, 4 April 1846, in identical accounts; and MONTREAL GAZETTE, 3 April 1846, and BRITISH COLONIST, 17 April 1846, in identical accounts.

63. MIRROR, 1 April 1846.
64. IBID.
65. MONTREAL GAZETTE, 3 April 1846.
66. MIRROR, 1 April 1846.
67. MONTREAL GAZETTE, 3 April 1846.
68. MIRROR, 1 April 1846.
69. MONTREAL GAZETTE, 3 April 1846.
70. MIRROR, 1 April 1846.
71. MONTREAL GAZETTE, 3 April 1846.
72. MIRROR, 1 April 1846.
73. MONTREAL GAZETTE, 3 April 1846.
74. MIRROR, 1 April 1846.
75. MONTREAL GAZETTE, 3 April 1846.
76. MIRROR, 1 April 1846.
77. IBID.
78. IBID.
79. IBID.
80. IBID.

(49)

Sherbrooke Cotton Factory.

MR. SPEAKER laid before the House a statement of the affairs of the Sherbrooke Cotton Factory, pursuant to the Act 8 Vic. cap. 91.

(For the said statement see Appendix I.)

Also,

Agricultural Societies, U.C. and L.C.

Reports of Agricultural Societies in Upper and Lower Canada, pursuant to Acts 8th Victoria, chapters 53 and 54.

(For the said Reports see Appendix J.)

Petitions laid on the table.

The following Petitions were severally brought up and laid on the table:--

By Mr. Brooks,--The Petition of Israel Rice, of the Township of Ham, in the District of St. Francis.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of the President and Directors of the City of Toronto and Lake Huron Railroad Company.

By Mr. Lacoste,--The Petition of Gabriel Marchand, Esquire, President, and others, the officers and members of the Agricultural Society of the County of Chambly.

By Mr. Taché,--The Petition of Joseph Hudon, Esquire, President, and [illegible], Treasurer of the Municipality of St. Eustache.

By Mr. Laurin,--The Petition of François Nadeau, of the City of Quebec.

By Mr. M'Connell,--The Petition of John Quimby and others, of a part of the Township of Stanstead; and the Petition of Osgood Peasley and others, of the Township of Bolton.

By Mr. Macdonald of Kingston,--The Petition of John Macara, of the City of Toronto.

By Mr. Cummings,--The Petition of the Reverend G. B. Fuller and others, members of the United Church of England and Ireland, in the Parish of Thorold, in the Diocese of Toronto.

By Mr. Lantier,--The Petition of Joseph Chaurette and others, of the Parish of Ste. Geneviève, in the County of Montreal; and the Petition of Edward M'Knaughton and others, of the Parishes of Ste. Anne, Ste. Geneviève, and Pointe Claire.

By Mr. Smith of Wentworth,--The Petition of Robert Jarvis Hamilton, Esquire, and others, inhabitants of the Town of Hamilton, and of the Township of Barton, in the District of Gore.

By Mr. Christie,--The Petition of Pierre Bellivau, Esquire, and others, members of the Municipal Council and inhabitants of Grand River, in the County of Gaspé.

By Mr. Meyers,--The Petition of D. E. Boulton, Esquire, and others; the Petition of Benjamin Clark and others, Manufacturers of Lumber,

residing on the St. Lawrence Section of the Province of Canada; the Petition of Henry Ruttan, Esquire, on behalf of the Public Meeting of the District of Newcastle; and the Petition of William M'Dougall and others, of the Township of Hamilton, in the District of Newcastle.

By Mr. Chauveau,--The Petition of Joseph Hamel, Esquire, and others, of the City of Quebec; and the Petition of the Honourable Henry Black and others, inhabitants of the City of Quebec, and of St. Ambroise, and other Parishes.

By Mr. Macdonald of Kingston,--The Petition of the Honourable Peter M'Gill and others, of the City of Montreal; and the Petition of the President, Directors, and Company of the Commercial Bank, of the Midland District.

By the Honourable Mr. Morin,--The Petition of the Municipal Council of Hochelaga.

By Mr. Boulton,--The Petition of W. B. Jarvis, Esquire, and others, inhabitants of the City of Toronto.

By the Honourable Mr. Baldwin,--The Petition of James Wallace, of the Parish of St. Germain de Rimouski, formerly Light House Keeper at Pointe des Monts; the Petition of John Paterson and others, of the Township of West Flamborough, in the District of Gore; and the Petition of John Lesslie and others, inhabitants of the Township of West Flamborough in the District of Gore.

By the Honourable Mr. Robinson,--The Petition of George Shaw, of the City of Montreal.

By Mr. Chabot,--The Petition of Jacques Blais and others, Batteaux-men, residing in the City of Quebec; the Petition of the Mayor and Councillors of the City of Quebec (relating to the lighting of the Streets); and the Petition of the Mayor and Councillors of the City of Quebec (relating to a certain space of ground and Beach).

By Mr. Petrie,--The Petition of the Reverend William Bell, Moderator, on behalf of the Synod of the Presbyterian Church, in Canada, in connection with the Church of Scotland.

By the Honourable Mr. Moffatt,--The Petition of A. F. Holmes, M.D., and others, the Medical Faculty of M'Gill College; and the Petition of William Wickes, A.M.; and of Edward Chapman, B.A., of the City of Montreal.

(50)

By Mr. Hall,--The Petition of Thomas Fidler and others, members of the United Church of England and Ireland, in the Townships of Fenelon and Verulam, in the Diocese of Toronto.

By Mr. Duggan,--The Petition of the Honourable Francis Hincks, President and others, members of the St. Patrick's Society of Montreal; and the Petition of Jacob I. Vanvechten and others, of the City of Albany, in the United States of America.

By Mr. Prince,--The Petition of John Wright and others, of Upper Canada.

By Mr. Drummond,--The Petition of Josiah Classon, of the City of Montreal.

By Mr. Dickson,--The Petition of the Municipal Council of the District of Niagara, (relating to the opening of Roads;) and the Petition

of the Municipal Council of the District of Niagara, (relating to the Bonds of Collectors.)

By the Honourable Mr. Aylwin,--The Petition of the Right Reverend the Lord Bishop of Montreal and others, members of the United Church of England and Ireland, in the Diocese of Quebec; the Petition of John Charlton Fisher, Esquire, L.L.D., President of the St. George's Society, of the City of Quebec; the Petition of Mrs. Eleanor Teed, of the City of Quebec, widow of the late John Teed; and the Petition of J. C. Fisher, Esquire, L.L.D., President of the Literary and Historical Society of Quebec.

Petitions read. Pursuant to the Order of the Day the following Petitions were read:--

Of the Right Reverend R. Gaulin, President of the Corporation of the College of L'Assomption; praying for the usual Annual Aid towards the support of that Institution.

Of the Reverend Henry Patton and others, members of the United Church of England and Ireland, in the Parish of Cornwall, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands, as shall correspond with their share of the income arising from the same.

Of Stephen S. Foster, Esquire, President and others, the Directors of the Shefford Academy; praying for aid in support of the said Institution.

Of John Marshall, senior, and others, of the County of Halton; praying that no division of the Clergy Reserve Lands be made, as prayed for by the Church Society of the Diocese of Toronto.

Of G. M. Boswell, Esquire, and others; praying to be incorporated as a Joint Stock Company, for the purpose of constructing a Railroad from Cobourg to Kingston.

Of Colonel A. W. Light and others, of Woodstock and other Towns, in the Districts of Brock and London; praying for an Act of incorporation to construct a Railroad to Ports Burwell and Rowan, to be called "The Woodstock, Port Burwell, and Port Rowan Joint Stock Railroad and Lumber Company."

Of Joseph Tomlinson, Esquire, and others, of Markham and other Townships in the Home District; praying that the Board of Works may be authorized and enabled to Plank a certain part of the line of Road leading from the said Townships to the City of Toronto.

Of John Glen, Esquire, and others, the Trustees of the Longueuil and Chambly Turnpike Road; complaining that the Corporation of the City of Montreal claim, unjustly, the control over the approaches to the Landing on the Montreal side of the Ferry between Montreal and Longueuil, purchased by the Trustees of the said Turnpike Road, and have caused the Landing to be encumbered by timber, coals, firewood, and grain, and other obstructions for the last two years; to the great inconvenience of the Public coming to market from the Townships and Parishes on the South Shore, and the detriment of the said Trust; and praying that the said approaches to the Landing, and the Road leading thereto, may be

placed under their authority, and that the Boat used for the purposes of the said Ferry may be exempted from City Taxes.

Of William Hannah and others, of the Parish of Lachine; praying to be exempted from the payment of Toll on the Turnpike Road leading from Montreal to Lachine, in consideration of certain land yielded by them for the purposes of the said Road.

Of William Robins and others, of the County of Drummond; praying for aid to open a Road, and to construct a Bridge between Stanfold and Grantham, in the said County.

Of Ambroise Sivigni and others, of the Parish of St. Antoine de Tilly; praying for a Repeal of the Ordinances relating to winter Roads and Vehicles, so far as regards the Districts of Quebec and Gaspé, and the Municipal District of Portneuf.

Of the Reverend Robert R. Burrage of the City of Quebec, praying to be reimbursed the sum of seven hundred and fifty pounds, which he has lost upon the sale of a building he had purchased for holding the Public Grammar School in Quebec, of which he was the Teacher under the Royal Institution for the promotion of Learning.

Of H. Jessup, Esquire, and others, inhabitants of the City of Quebec; praying that certain By-Laws of the said City, for the prevention of fires, may be made permanent by Legislative Enactment.

Of George O'Kill Stuart, Esquire, and others, Landed Proprietors of the District of Quebec; praying to be incorportated as the "Quebec and Melbourne Railroad Company," and for an aid to the said Company of £25,000, either as a Bonus or to be expended in the purchase of Stock.

Of John Egan, Esquire, and others, inhabitants of the County of Ottawa, residing on the South Bank of the Ottawa; praying that the said County may be set apart and established as a separate District.

Petitions referred:

Wm. Hannah, et al.

Ordered, That the Petition of William Hannah and others, of the Parish of Lachine, be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road; and other References.

Rev. H. Patton et al.

Ordered, That the Petition of the Reverend Henry Patton and others, members of the United Church of England and Ireland, in the Parish of Cornwall, in the Diocese of Toronto; and the Petition of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the Parishes of Adolphustown and Fredericksburg, in the Diocese of Toronto, be referred to the Select Committee, to which was referred the Petition of the Church Society of the Diocese of Toronto.

Wm. Peacock, et al.

Ordered, That the Petition of William Peacock and others, lessees and occupants of Clergy Reserves, in the Township of Trafalgar, in the District of Gore; the Petition of John Lyon and others, inhabitants of the Township of Esquesing, in the Gore District; the Petition of Daniel Hoover and others, inhabitants of the Township of Walpole, in

the District of Talbot, and the Petition of James L. Green and others, inhabitants of the Township of Townsend, in the District of Talbot; be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell.

(51)

Col. A. W. Light, et al. — Ordered, That the Petition of Colonel A. W. Light and others, of Woodstock and other Towns in the Districts of Brock and London, be referred to the Standing Committee on Private Bills.

John Egan, Esquire, et al. — Resolved, That the Petition of John Egan, Esquire, and others, inhabitants of the County of Ottawa, residing on the South Bank of the Ottawa, be referred to a Select Committee, composed of Mr. Stewart of Bytown, the Honourable Mr. Papineau, the Honourable Mr. Attorney General Smith, Mr. Drummond, and Mr. Cameron, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

James Dean, Esquire, et al. — Resolved, That the Petition of James Dean, Esquire, and others, Merchants of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Chauveau, Mr. Christie, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

James Alexander et al. — Resolved, That the Petition of James Alexander and others, Navigators, residing in the County of Saguenay, be referred to a Select Committee, composed of the Honourable Mr. Laterrière, the Honourable Mr. Attorney General Smith, Mr. Christie, Mr. Taché, and Mr. Chauveau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Niagara Municipal Council. — Resolved, That the Petition of the Municipal Council of the District of Niagara, (relating to Temperance Houses,) be referred to a Select Committee, composed of Mr. Dickson, Mr. Cummings, Mr. Roblin, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Resolved, That the Petition of the Municipal Council of the District of Niagara, (relating to a Road in Grantham,) be referred to a Select Committee, composed of Mr. Dickson, Mr. Cummings, Mr. Macdonald of Cornwall, and Mr. Merritt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Dickson, seconded by the Honourable Mr. Solicitor General Sherwood,

Middlesex Election. *Ordered*, That the Select Committee appointed to try the merits of the Petition of *William Notman*, Esquire, of *Dundas*, in the *Gore* District, complaining of the undue Election and Return of *Edward Ermatinger*, Esquire, to represent the County of *Middlesex* in this present Parliament, have leave to adjourn until the twentieth day of *April* instant.

Oxford Election. Mr. *Chauveau*, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable *Francis Hincks*, of the City of *Montreal*, complaining of the undue Election and Return of *Robert Riddell*, Esquire, Sitting Member for the County of *Oxford*, reported that the Committee met this day at nine o'clock, A.M., pursuant to adjournment, but were unable to proceed to business in consequence of the absence of Mr. *Bertrand*, a member of the Committee.

Member to attend in his place. *Ordered*, That Mr. *Bertrand*, Member for the County of *Rimouski*, do attend in his place in this House to-morrow.

Report on Petition of J. M. Robitaille, et al. Mr. *Laurin*, from the Select Committee to which was referred the Petition of *Jean Marie Robitaille* and others, of the Parish of *L'Ancienne Lorette*, and other References, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the Petitions, to them referred, and are of opinion that the prayers therein contained should be granted, and that a Bill should be introduced for that purpose.

Winter Roads Bill. *Ordered*, That Mr. *Laurin* have leave to bring in a Bill to repeal two certain Ordinances therein mentioned, relating to Winter Roads in that part of the Province heretofore *Lower Canada*, in so far as regards the District of *Quebec*, the District of *Gaspé*, and that part of the District of *Three Rivers* which is or was the Municipal District of *Portneuf*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Report on Petition of Captain Vidal. Mr. *Woods*, from the Select Committee to which was referred the Petition of *Richard E. Vidal*, Commander, of the Royal Navy, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the contents of the Petition, and have heard the Petitioner's statement, which is hereto appended, and have agreed to report a Bill, which they herewith submit for the adoption of your Honourable House; and they cannot but express their regret that the Petitioner should have been subject to the heavy legal and other expenses which he has necessarily incurred in defending the

prosecutions against him, relative to the roads which have formed the subject of enquiry by this Committee,

Captain Vidal, Royal Navy, examined.

Question.

You complain in your Petition of the great expenses you have incurred in defending your right to the road in question. Pray state what they are?

Answer.

My expenses have been occasioned by the peculiarity of my situation, the circumstance of the Crown having originally granted me this road by Patent; made it a case which could only be decided in Her Majesty's Court of Queen's Bench, where it was tried. The opposing party using every means in their power, to put me to the greatest possible expense. I had also, in consequence of the Judges' decision, to re-purchase land sold by me some years ago, and also a good three story House, with brick basement, which had been erected thereon (without any remonstrance from the parties now prosecuting), and for which alone, although less than half an acre, I had to pay eleven hundred and fifty dollars. I have been further obliged to fence off this, now declared road across my two lots, and which road had never been used, in any way, as a road, and had been ten years closed up by fences, prior to this prosecution. I have further incurred great expenses in travelling to Sandwich, London, and Montreal, in defence of my rights, besides the loss of time and anxiety incurred, and these expenses together, amount to the sum of three hundred pounds, Currency.

Vidal's vesting Bill. — *Ordered, That Mr. Woods have leave to bring in a Bill to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for a road across certain lots of land in the Township of Sarnia, in the Western District, now belonging to him.*

(52)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Public Lands Bill. — *Ordered, That Mr. Macdonell of Stormont, have leave to bring in a Bill to extend the provisions of the 13th Section of an Act of the Province of Canada, intituled, "An Act for the disposal of Public Lands," and to amend the said Act in other respects, and, further, to provide for the final settlement of Land Claims.*

He accordingly presented the said Bill to the House.[1]

MR. D. MACDONELL of Stormont, said the Bill which I have the honor of introducing to the notice of this House, is connected with public land transactions of this Province, and is intended to re-establish a meritorious class of Her Majesty's subjects in rights of which they were deprived by the enacting of what is termed the Act for the disposal of Public Lands. The Act to which I beg to draw the attention of this honourable house was passed on the 18th of September 1841, but

as a measure which was of a highly important character was reserved for Her Majesty's pleasure, and was not promulgated till the 30th day of May, 1842, and on the last day of that year by the provisions of this Act, the right of certain persons who had rendered favourable, and in some instances distinguished services to the Crown, and to this Country in particular were extinguished if not presented prior to the first day of January, 1843, that if the parties who were so seriously affected by the passages of the Act in question, had had an opportunity of being informed on a certain day their claims would be extinct unless submitted to the Government previous to the first of January, 1843, then there would be no necessity for the measure which I have now the honour to introduce, but I maintain the position that the parties have been taken by surprise, therefore a further time ought to be offered to close these claims in an honorable manner.[2]

(52)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

MR. MERRITT[3] moved an address for statement of ... the amount expended for the maintenance of the Police force in 1845, shewing the number employed on the different canals, and the payments to each.[4]

(52)

On motion of Mr. Merritt, seconded by Mr. Dickson,

Address for Statement of Expenses of Police Force.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that He will be pleased to cause the Inspector General to lay before this House, the amount expended for the maintenance of the Police Force, for the year 1845, specifying the number employed on the different Canals, and payment to each; and also, a Return for the years 1843 and 1844, applied for by the House during the last Session.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

LEGISLATIVE COUNCIL,
Thursday, 2d April, 1846.

Legislative Councillors permitted to attend Select Committees.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House that the Legislative Council do give leave to the Honourable Thomas M'Kay, one of their Members, to attend the Select Committee, to which is referred the Petition of Hannett Pinhey, Esquire, Warden of the Municipal District of Dalhousie, on Friday next, at ten o'clock in the forenoon, to be examined

on the subject of the said reference, if he thinks fit.

And also,

LEGISLATIVE COUNCIL,
Thursday, 2d April, 1846.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council do give leave to the Honourables John Neilson, and Louis Massue, two of their Members, to attend the Select Committee to which is referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette, and other References, on Monday next, at eleven o'clock in the forenoon, to be examined on the subject of the said References, if they think fit.
And then he withdrew.

MR. WATTS[5] moved the House into Committee to amend the Agricultural Act of last Session.[6]

(52)

On motion of Mr. Watts, seconded by Mr. M'Connell,

Agriculture, (L.C.)

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Act 8 Vict. cap.53, for the encouragement of Agriculture in Lower Canada.
The House accordingly resolved itself into the said Committee.

Mr. Price took the Chair of the Committee,

MR. WATTS ... in moving the adoption of two resolutions, said that in consequence of the Act making it necessary for Agricultural Societies to be incorporated in June last in order to obtain its benefits, many districts had been unable to avail themselves of it. The first resolution was therefore intended to legalise such Societies as had been formed since that period.

The object of the second resolution was to enable the County Societies to expend a larger sum than that allowed by the Bill, £50, in the purchase of improved breeds of stock, seeds, &c.[7]

MR. SCOTT thought the subject of these resolutions was of too much importance to be hastily dealt with; he therefore hoped the member for Drummond would be content with the adoption of the first resolution, and would allow the Committee to rise and report progress, in order to give time for members to examine into the merits of the second.[8]

MR. WATTS. During the space of thirty years before the Union the Legislature of Lower Canada had passed Agricultural Bills every two or three years, but none of them had succeeded but the one past (sic) last session. Almost every county in the Districts of Montreal, Three Rivers and St. Francis and many in Quebec had established societies under the act. He (Mr. W.) was therefore very unwilling to interfere with it. He however wished to remedy an error in the bill, and to allow those

Societies who preferred to spend the money improving stock, rather than in giving premiums, to do so. Several French Canadians, connected with Agricultural Societies, wished this alteration to be made.[9]

MR. SMITH was sorry that every county in Lower Canada had not taken advantage of the bill. In Upper Canada the people had generally formed Societies and subscribed liberally to them. He (Mr. S.) thought that there ought to be only ((one)) act for the whole Province.[10]

MR. AYLWIN would inform the hon. member, the reason why the French Canadians had not more generally taken advantage of the Agricultural Act of last session; from some fatality or other - the statutes generally did not come into their hands for five or six months, after it was in the possession of the ohter (sic) inhabitants.[11]

The motion for postponement was lost.[12]

(52)

and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Price reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

MR. AYLWIN moved for an Address to His Excellency for the Survey of the River Saint Charles.

The hon. gentleman stated that this motion was made in connection with a Petition from the Corporation of Quebec relative to the formation of Docks at the mouth of the said River, and that the same should be included in the Jurisdiction of the Corporation. The Survey had been ordered last session, but as yet he had not been able to obtain any information relative thereto.[13]

(52)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address for Survey of River St. Charles.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, to pray that His Excellency will be pleased to order the proper officer to lay before this House, the Survey of the River St. Charles, in respect whereof the Address of this House to His Excellency, Lord Metcalfe, then Governor General of this Province, was voted on the 4th day of February, 1845.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. AYLWIN[14] moved for an Address to His Excellency for information why the appropriations voted for the improvement of the navigation of the River Richelieu had not been expended.[15] He had already made some enquiry but obtained no information.[16] The people in that section of

the country were loud in their complaints that although several large appropriations had been made at various times, both by this Legislature and that of Lower Canada, for the said purpose, yet the works had been neglected, and the navigation was as yet incomplete[17], and would, he thought, remain so till the Ministry were pressed to attend to it.[18] The perfection of the navigation of the River Richilieu (sic) had become a matter of great Commercial importance, on account of the new policy of Great Britain; and while vast sums were being expended for the benefit of the trade of Upper Canada, it was not just that the facilities of Lower Canada for like objects should be neglected.[19] If, according to a late Despatch, the principles of free trade were to be carried out it was necessary that the Richelieu should be brought into full play[20]. He did not see why improvement should be confined to the St. Lawrence above Montreal[21], unless, indeed, it could be proven that the St. Lawrence ended at the foot of the Current St. Mary, and that the rest of it down to the Gulf should be struck out of the Map.[22] He protested against a resolution of that House virtually blotting out of the map all below Montreal. If these things had occurred elsewhere, the Administration would have been forced to hear of them, and it must now hear that the people of Lower Canada whose interests were concerned in the completion of this work were determined to obtain that measure of justice which was their due.[23] Already the improvements of the Richelieu cost £110,000 and ((they)) ... were determined that such an expenditure should not be lost, and that the work commenced should be completed.[24]

(52)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address relative to River Richelieu.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to inform this House of all such steps as have been taken by the Board of Works to complete the navigation of the River Richelieu, and the causes why the appropriation made to that effect by the Statute of the 4th and 5th of Her Majesty's Reign has not been expended.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government by such Members of this House, as are of the Honourable the Executive Council of this Province.

MR. AYLWIN[25] ((moved that)) the Committee on the Post-office Department ... ((be)) declared to consist of Messrs. Aylwin, Baldwin, Moffatt, Morin, Robinson, Hale ... ((Christie)), Williams, and Leslie.[26]

MR. GOWAN objected to the committee named by the Hon. Mr. Aylwin ... because it embraced so few from Upper Canada, where the Post Office was a most monstrous grievance; he (Mr. Gowan) would state then that one of the greatest grievances in Upper Canada was the management of the Post Office; he would give one instance. Some time ago a young gentleman came from England in the character of what he (Mr. Gowan) believed was called a surveyor; this gentleman, by his own mere fiat, fixed a Post Office station in a township in his (Mr. G.'s) county, in a remote

inconvenient place, two miles back from the seat of the Court House and Normal School, in defiance of a petition of the people of the expressed views of the Judge of the District, and of the unanimous opinion of the Municipal Council - in defiance of all! And when he (Mr. G.) called upon Mr. Stayner to prevent this flagrant abuse, the answer was that this young gentleman was his (Mr. Stayner's) constitutional adviser, and that he could not interfere. He (Mr. Gowan) was anxious that as such abuses existed in the Post Office in Upper Canada, that parties conversant with them should be on the committee, in order that they might be fully represented, and that it might be shewn that the people might not endure them longer.[27]

MR. LAFONTAINE said that when the hon. member for Leeds spoke of the great abuses of the Post Office in Upper Canada, he (Mr. L.) remarked "so much the better;" his reason for making that observation was that he hoped that the complaints of Upper Canada would lead to a reform of the Post Office throughout the country; it was well known that the complaints of Lower Canada, often made, had no weight; Lower Canadians were not admitted into that department, and had no influence over it; no later than, that day a young gentleman, a protegé of the President of the Council, had applied to him (Mr. LaFontaine) respecting treatment he had received in the Post Office; he had been first in the Secretary's office, and was told he would be admitted into the Post Office, he was so admitted, but was retained only two months. This was a sample of the consideration Lower Canadians obtained at the hands of Mr. Stayner. He (Mr. LaFontaine) thought Mr. Stayner would be better employed in remedying the abuses that prevailed in his department throughout the province, than in writing letters to influence election contests as he did in Beauharnois in 1841, and in the county of Drummond in the last election as he (Mr. L.) was informed by Mr. Watts.[28]

Hear, hear, from MR. WATTS.[29]

MR. AYLWIN was most willing to meet the views of Mr. Gowan, and as he had obtained, the consent of the hon. member for Gaspé to strike out his name; he (Mr. A.) would substitute therefor the name of the hon. member for Leeds. He (Mr. A.) was also willing to make way by withdrawing himself for any other Upper Canadian who might be suggested by Mr. Gowan.[30]

The committee was then agreed to, Mr. Gowan being substituted for Mr. Christie.[31]

(52)

Post-Office Department. — *Ordered, That the Honourable Mr. Aylwin, the Honourable Mr. Baldwin, the Honourable Mr. Moffatt, the Honourable Mr. Morin, the Honourable Mr. Robinson, Mr. Hale, Mr. Gowan, Mr. Williams, and Mr. Leslie, do compose the Select Committee appointed to enquire into the Post-Office Department.*

Member called and did not appear. — *Mr. Bertrand, Member for the County of Rimouski, having been called, according to Order, did not appear.*

Mr. Riddell's Petition, Oxford Election.

Mr. Smith, of Frontenac, moved, seconded by Mr. Hall; That the Petition of Robert Riddell, Esquire, the sitting Member for the County of Oxford, presented to this House, on Friday, the twentieth of March last, be referred to the Standing Committee on Privileges and Elections.[32]

MR. SMITH, of Frontenac, in moving that the petition of Robert Riddell, Esq.[33], the sitting member for Oxford, complaining that Mr. Hincks had not served him with a list of objected votes, as by law required[34], be referred to the Committee of Privileges and Elections, said, that when he first introduced the petition, the Committee of Privileges was not formed, and for some days past the House being occupied with another point in reference to the Election Committee, he did not wish pending the decision of that question to press the present motion.[35]

MR. BALDWIN doubted whether the House could entertain the petition; he thought the committee appointed to try the election alone had the power to try this and all other questions arising out of the enquiry.[36]

SIR A. MACNAB (The Speaker) said if the Committee had authority to try the question referred to by the petition, the House had not.[37]

MR. SMITH, of Frontenac: That is the question. The complaint is, that an order of the House, that lists of voters should be exchanged, has not been complied with.[38]

MR. JOHNSTON said that there was no evidence before the House that lists had not been exchanged; he (Mr. J.) did not understand the present attempt; it looked like a political movement to keep one man in and the other out; he (Mr. J.) would be the last man to give the gentleman contesting the Oxford election a vote, but he would also be the last to deny him justice.[39]

MR. WILLIAMS. It is very clear that the House cannot take the petition into consideration; the Election Committee alone has that power.[40]

MR. GOWAN saw no objection to the motion; he thought it a proper one. If the House doubted its power to entertain the petition, it was for the Committee of Privileges to enquire into the question and report to the [illegible].[41]

MR. MORIN. The Committee of Privileges and Elections was a remnant of the old Lower Canada Parliament; it was not a Committee of Elections except in so far as they referred to the Privileges of the House.[42]

MR. BALDWIN would remind the House that the name Committee of Privileges and Elections was one of a period anterior to the Grenville Act. By the statute law, the Legislature transferred to a committee all its power to try election cases, and he, therefore, thought that the House had no right to consider the allegations contained in the petition in question; he could not acquiesce in the motion, and his opinion was much strengthened by that given by the Speaker.[43]

MR. MOFFATT thought the Speaker had not given a decided opinion. He (Mr. M.) was in doubt upon the question, and was not prepared to give a vote as to whether the House or the Election Committee ought to consider the petition, and he saw that other hon. members were alike embarrassed; the right course then was for the petition to go to a Committee of Privileges, who would determine its ultimate destiny.[44]

SIR A. MACNAB (The Speaker) felt it his duty to declare that he thought the House could not entertain the motion; the House had transferred its power to the Committee to decide all matters relative to a contested election. He (the Speaker) found that such was the opinion of the Attorney General of England, which he would read, as well as a case quite in point which he had met with. The hon. Speaker then read the opinion and the case from the Mirror of Parliament.[45]

(52)

Mr. Speaker having read the motion, decided that it was out of order, and could not be received.

MR. GOWAN rose to speak, but the House generally cried "Chair, chair."[46]

SIR A. MACNAB (The Speaker) said, that if his decision was appealed from, there must be no debate.[47]

MR. GOWAN said that he would appeal.[48]

(52)

An appeal being made to the House, from Mr. Speaker's decision, a division ensued, and the names being called for, they were taken down as followeth:

For Mr. Speaker's decision.

Armstrong, Aylwin, Baldwin, Berthelot, Boulton, Boutillier, Brooks, Cameron, Cauchon, Cayley, Chabot, Chabrand, Chauveau, Christie, Cummings, Desaunier, DeWitt, Dickson, Attorney General Draper, Drummond, Ermatinger, Foster, Guillet, Hale, Jessup, Johnson, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonald of GLENGARRY, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Monro, Morin, Nelson, Petric, Price, Prince, Robitaille, Rolph, Rousseau, Scott, Seymour,

(53)

Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Taschereau, Thompson, Webster, and Williams.--(58.)

Against Mr. Speaker's decision.

Colville, Daly, Duggan, Gowan, Hall, Macdonald of CORNWALL, Macdonald of KINGSTON, Moffatt, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith and Viger.--(13.)

When the names were called out on the division on the appeal from the Speaker's decision, MR. PRICE called on Messrs. Draper and Cayley who were behind the Speaker's chair, to vote.[49]

MR. AT. GEN. DRAPER. He said he had not been in the House at the commence-

ment of the discussion, and he did not sufficiently understand the merits of the question to vote on it, but without reference to its merits he should support the Chair.[50]

MR. INSP. GEN. CAYLEY then said: I support the Chair[51].

There was ... applause from the opposition members[52].

(53)

Niagara and Detroit Rivers Railroad Bill.

The Order of the Day for the second reading of the Bill to extend the provisions of the Act of Upper Canada, incorporating the Niagara and Detroit Rivers Railroad Company, being read;

The said Bill was read accordingly.

Mr. Prince moved, seconded by Mr. Merritt, that the said Bill be now committed to a Committee of the whole House.

The Honourable Mr. Solicitor General Sherwood moved, in amendment, seconded by Mr. Duggan, that all the words in the said motion, after the word "Bill," be struck out, and the following substituted: "be referred to the Select Committee on Railroads."[53]

MR. SOL. GEN. SHERWOOD (Toronto) said that the government, following the example of the British government, had named a committee to consider the whole subject of railway management and legislation[54] for the purpose of examining and reporting upon all bills of this nature[55], and he trusted that his hon. friend[56] would allow this to go to that Committee[57], ((and)) would postpone the consideration ((of)) this subject until the committee had reported[58], what provisions they recommend for the government of railways generally[59] and not attempt to force it through the House.[60] If he would consent to do so he (Mr. Sherwood) would be perfectly willing to let the matter rest in that way[61]. In England we know the great inconvenience the subject of railways has given to Parliament; and the Government had lately being (sic) speaking of introducing some general laws for the government of all railroads.... If his hon. friend pressed the motion[62], he should be obliged to divide the house[63] upon it [64] ((and)) he Mr. S. would be compelled to vote against it[65]; if he would wait till a further day, he (Mr. S.) would probably not offer any objection to the measure.[66] It was useless for that House to name a Rail-road Committee if Bills were forced through without reference to it.[67]

MR. BALDWIN said he would wish to know if the measure had been referred to the Committee on Private Bills, and if they had reported by bill.[68]

COL. PRINCE ((said)) it had, and they had reported by bill.[69]

MR. BALDWIN. He was utterly uninformed on what grounds the bill was applied for. They were not to grant bills unless they were shewn good reasons for doing it; and it would be a farce to read the bill without knowing something of its merits, and of the proposed undertaking.[70] He hoped that the matter would be postponed.[71]

MR. JOHNSTON could not understand why the bill should be refused. This was an old charter, the company got a certain time to carry out the measure; they had been unable to do so, and now they only ask a little more time to carry out the work; that was all they asked, and he did not see any reasonable ground for opposing the bill.[72]

MR. WILLIAMS said he would not give his consent until the committee on roads had made their report, mentioning what rail-roads they thought should be recommended.[73]

MR. BOULTON said the hon. member for Carlton had spoken as if the House had objections to the bill; he protested against that supposition. The only reason they now opposed its reading was because they (the committee would examine into the measure, and report thereon, and then the House would know something of the merits of the bill.[74]

MR. ERMATINGER. He wished only to make an observation on what had fallen from the Sol. General (West) and the hon. member from Toronto with respect to the Committee on Rail Roads, he did not think it was intended to apply to old Charters, and this was only a renewal of a charter already granted, and to which the despatch of Her Majesty was not intended to apply.[75]

MR. PRES. EX. COUN. VIGER made some remarks on the question[76].

COL. PRINCE. It was far from his intention to press this, or any other measure[77] through, in opposition to the wishes of the house[78], which ... ((it)) declared itself not acquainted with; he was only following the usual practice, but as it seemed there should be further time allowed, he would defer it with pleasure, but it was not clear to him that the[79] general[80] Committee on Rail Roads[81] was to have the entire control over corporations which had already ((been)) established by the house[82] ((and)) was the proper place to refer bills to.[83] He did not desire to enter into the merits of the rivalry between this and any others which ... might be contemplated, with a view to a continuous road throughout the province, but in order to disabuse the minds of the members of the house[84], he was desirous of entering into a few explanations designed more especially for the use of the members from Lower Canada[85] ((and)) would state the circumstances under which the railway company at present existed. In 1834[86] the London and Gore Rail Road, or rather the Great Western Rail Road bill[87], the first railway bill for Canada[88], was passed in the Upper Canada Parliament[89], and it was the hon. Speaker who had the credit of introducing it to the parliament of Upper Canada. The bill incorporated the company, and limited the stock to £500,000. It was also provided that the road should be begun in two years and finished in ten. The bill, however, remained a dead letter; no steps were taken to carry out its provisions up to the year 1837[90]. Two years after the bill had been granted, a bill was applied and obtained from the Niagara and Detroit Rail Road Company[91] ((and)) was submitted to parliament, and passed the house. That was the company of which[92] he had the honor to be President[93], and whose claims

he was now to advocate. The bill contained provisions precisely similar to those which had passed two years before. The amount of stock was limited to £500,000, the work was to be commenced in two years and completed in ten. It also gave power to the Great Western to join the Niagara and Detroit line, so as to rua (sic) lateral branches to Hamilton[94], should they see fit.[95] Matters remained in this way, until the Great Western company, finding themselves crippled for the want of funds, applied to government to lend them some money. A large sum was granted, but from some cause the railroad never did anything except breaking ground.[96]

MR. BOULTON. He did not think this was the proper time to enter into any discussion upon the measure, the hon. member should wait until the House entered into the merits of the bill.[97]

COL. PRINCE. He would persist in his explanations as he wanted to shew the members that it was only justice he demanded; and that hon. members opposed it only because they had an interest in a rival undertaking.[98] While this was going on with the Great Western, did the Niagara and Detroit company remain doing nothing? No; it subscribed its stock, paid in the amount of subscriptions required by law, and spent money in surveying the country, by the aid of an eminent engineer from the United States, who received $1500 for his labors. They issued their scrip[99], of which he (Mr. P.) had some on his desk. Officers and Directors were appointed from time to time, and the Company was in full operation, until[100] the rebellion - no, not rebellion, for there was no rebel there - but the invasion, broke upon that part of the province. When that happened, the railroad, in common with many other useful institutions[101], ((was)) paralysed[102], ((and)) fell to the ground.[103] And such was the case ((also)) with the Great Western Rail Road; the time within which the work was to have been completed had expired, and it was now necessary to have the Provisions of the present bill extended in order to enable them to get the work completed[104]. He had now to ask whether there was any reason to refuse the bill? Had any petition been presented against it? On the other hand, had not a petition been presented in its favor, signed by the most respectable and intelligent men in that part of the country through which the road was to pass?[105] Was there, he would ask any pretence for opposing ... ((this)) petition of thousands.... The shares have all been subscribed for. He had five hundred himself, and they were waiting to proceed[106]. When the question should come up again, it would be for the house to decide, whether he and other members of the company[107] were ... now, after all the trouble and expense they had undergone, to have all their plans[108] ((and)) property destroyed for the mere reason that some gentlemen thought the line was likely to pay too well. What would the enterprising people of England and the States think?[109] Shall we be disgraced before England and the United States, by having it said, that the House of Assembly refused to grant this bill because it would bring money to its proprietors? The Great Western Rail-road Company was only a private company; and shall one Rail-road Company have power to put down another

Rail-road Company? The hon. members opposite had only spoken against the bill because it was opposed to their pockets. He would rely upon the members of the House for justice, and justice was all he asked. He would not enter into any further remarks at present[110], but was contented with having given his reasons for believing that the house would not refuse this bill, merely for the purpose of taking money out of the pockets of one party to put it into those of another.[111] When the bill came to be discussed he was determined to go into the matter fully and at length.[112]

MR. SOL. GEN SHERWOOD did not at that time desire to enter into a discussion on the relative merits of the different rail-way schemes; and he (Mr. S.) hoped the House would suspend their judgment, with respect to this road[113], ((as)) he would suspend his ... till after a full discussion had taken place, hoping that when he gave it he should do so in a correct and proper manner. In the meantime, he would remark, that there might be such a thing as an American as distinguished from a Canadian railway, and he thought that if the house desired to have a main line that should run through the province, and thro' the heart of the Canadian peninsula it would not adopt the views of his hon. friend from Essex. If, on the other hand, it was thought desirable to skirt lake Erie and make Buffalo the New York of the lakes, no doubt the line would be very advantageous.[114] He (Mr. S.) desired to see a great line of rail-roads established from Halifax to Quebec, and from thence to Lake Huron, by British[115] ((and)) Canadian[116] capital and enterprise. If we desire to obtain this capital - and we cannot construct our rail-roads without it - we must give capitalists of the old country some security that charters for parallel lines will not be granted by this Legislature. The present rail-road forms no part of any great line in Canada, and would principally benefit the two large American cities, Buffalo and Detroit. The great mass of the stock was taken up by the people of the United States; it was in fact an American railroad, merely running through the British territory, skirting the shores of Lake Erie, and would be but a small benefit to Canada. He (Mr. S.) had heard that the stock of the Great Western Railroad Company had been taken up in England, and he knew that the stock of the Toronto and Lake Huron Company had been taken up, and he was opposed to the granting of any charter for a railroad to run parallel with these roads[117]. He made these general observations in reference not to this particular line but to the many schemes which might be proposed.[118] He, therefore, moved, that this bill be not now referred to a committee of the whole House, but to the general committee on rail roads.[119]

MR. MERRITT thought that the opponents of this measure were endeavouring to take an undue advantage of the Company. He, as interested in the railroad, had no objection that the consideration of the Bill should be postponed for two or three weeks, until the Railway committee have made their report, but he did object to placing the fate of this measure in the hands of the committee, he (Mr. M.) thought that this railroad would be a great Provincial benefit, that it would divert a great portion of the Americans travelling through this country, and

thereby enrich it, with the money that would be left in the Province by those going through; during the summer, at least 1000 persons every day went from Buffalo to Detroit, and vice versa. It was to obtain a portion of this immense amount of travelling, and to compete with the south side of Lake Erie, that this Company was established and not for the purpose of injuring the Great Western road. The Solicitor General had called it an American road, and attempted to get up a prejudice against it on that account, the same thing had been said of the Welland Canal, that we were building it merely for the use of the Americans. He (Mr. M.) thought, that if the house rejected this Bill, they would commit an injustice without a precedent.[120]

MR. CAMERON was surprised that the hon. member for Essex thought that his bill would not receive justice from the Committee. He (Mr. C.) had consented to refer a measure connected with the Great Western Rail Road, in which he was interested, to this Committee. This Committee was appointed to draft regulations for the Government of this House in the granting of Charters to Railway Companies. A general system had been found necessary in England and we ought also to adopt one here. The House has a perfect right when a Charter expires, as the Niagara and Detroit Railway Company's has, or will soon, to make such restrictions and conditions in new Charters as they please. The Road from Montreal to Portland had been stated to be similarly situated as the present Road, but he (Mr. C.) considered it to be part of the Great Western Road. The expenses by the St. Lawrence are so great, for Insurance, towage and pilotage, that we can never compete with the city of New York, unless we have a near and direct communication with the Ocean; and this can be got by the Portland Rail Road.[121]

MR. HALL said that he did not intend to occupy the time of the House but a few moments. He would vote for the amendment to refer the bill to the railway committees, and his reason for doing so was, that if we granted a charter to the Niagara and Detroit Railway Company it would interfere with that of the Great Western Railway. It would divide the interest. The English capitalists would be very careful of taking up the stock when there were two rival lines. They do not know but what we might grant a charter for the erecting of another parallel line. Does this road stop at Buffalo? If so, we can get far quicker to New York and Boston by the Great Western Railway. We have not, nor can we get capital to build parallel lines of road.[122]

MR. BOULTON said, he thought this discussion ought not to have come on now. It ought to have been reserved for another occasion. He would vote for the amendment. In reference to the rival roads, he considered the Great Western was by far the better undertaking; he would not, however, take upon himself to say that good reasons could not be urged for granting a renewal of the charter of the Niagara and Detroit Railway. By referring it to the Committee, the bill could not be quashed. Should they (the Committee) take upon themselves to report unfavourhble (sic) to the views of the hon. member for Essex ae (sic) could divide the House

on the subject.[123]

MR. GOWAN said, he would beg to ask if it were parliamentary of the hon. member for Toronto saying that if the Committee reported unfavourably he could introduce the bill again this Session? We ought, he said, to have the road proposed by the hon. member for Essex. It will run along the south side of Lake Erie. If the hon. Sol. Gen.'s reasons for moving that it be referred to the Railway Committee were to see that the rules and standing orders of this House have been complied with, and to bring it under the general provisions for Rail-roads, and not to quash it, he would support the amendment.[124]

MR. MOFFATT was in favour of referring this Bill to the Railway Committee, and the house could discuss its merits when the Committee reported.[125]

COL. PRINCE had no objection to the reference to the Committee; this measure is of great importance to the people of the West, and he hoped that no obstacles would be thrown in the way of their obtaining the object of their desires. It has been said that this Railroad would be built entirely by American Capital, this was a great mistake as many of the substantial Yeomen along the line had taken a pride in becoming Stockholders, and he (Mr. P.) had taken five hundred shares, not for the sake of profit, but to encourage this laudable enterprise, but he would ask those, who started this as an objection, if when they wanted to borrow some money on a mortgage, would they object to receive £1000 from an American gentleman. John Jacob Astor for instance? Certain members opposed this Rail road, because they supposed it would injure the Great Western Railroad among the British Capitalists, why, he (Mr. P.) thought that the whole of the stock of this Company had been subscribed for, and the first instalment paid. The hon. member for Lanark is perfectly willing for his measure to go before the Committee, as he only wishes some trifling amendments made, his company having had an Act passed during the last Session, giving these five years to commence their road, and two to finish it, while he (Mr. P.) wished the house to grant his Company only five years longer to finish the Railroad. If the house contrary to all the principles of justice should decide against him, he (Mr. P.) would say with O'Connell, "sentence has been pronounced against me, but justice has not been done me."[126]

MR. SOL. GEN. SHERWOOD. Col. Prince has quite misunderstood my meaning. He said that he would prefer English capital, he had however, no prejudice to American capital. The Niagara and Detroit road, would be essentially an American railroad although it ran through British territory. He said that the principal objection he had to the road was this, that it ran too near the Province line. In case of war this road could easily be taken advantage of by the Americans, on the contrary the Great Western Railroad ran through the very heart of Upper Canada, it would be surrounded by a bold and loyal yeomanry, and in the case of an invasion, no such advantage could be taken of it.[127]

MR. ERMATINGER. He saw that hon. gentlemen were making up their

minds before the question was fairly discussed, this was in his opinion decidedly wrong; they ought to wait till the question was fairly discussed, then taking the arguments and facts adduced come to a fair and dispassionate decision. He (Mr. E.) was interested in both line of roads, they both ran through the section of the country which he had the honor to represent. He could wish to know if there would be a great national road from Sarnia to Halifax.[128]

MR. WILLIAMS. Certainly.[129]

MR. ERMATINGER ((continued:)) It would not be this century. If we were to have these Railroad he would beg to ask what would become of the Canals, what will be the use of them. The government would be coming down with their estimates before long, and among them we would find something wanted for the canals, gentlemen will please consider this. Why (said he) the line of road would be as long as one-third of the English Railroads put together. The hon. member for Lanark spoke of the Portland Railroad, and he urges it on the ground of bringing the American travel to this country. For the same reason we want to build the Niagara and Detroit Railroad. The Solicitor General West, says that this line (from Niagara to Detroit) would be dangerous in case of war. He would beg to ask if the Great Western Railroad would not have its terminus at some point on the Province line as close as Niagara Railroad to the American shore.[130]

MR. SOL. GEN. SHERWOOD. It is proposed to end the line at Sarnia.[131]

(53)

The question having been put upon the motion or amendment, it was agreed to unanimously.

The question being then put on the main motion, as amended, it was also agreed to, and

Ordered, Accordingly.

Niagara District Bill. *The Order of the Day for the second reading of the Bill to repeal the Act therein mentioned, authorizing the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt, being read;*

The said Bill was accordingly read, and ordered to be engrossed.

Simcoe Registry Office Bill. *The Order of the Day for the second reading of the Bill to provide for the removal of the Registry Office of the District of Simcoe, from its present site to Barrie, the District Town, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House on Thursday next.

Trafalgar Road Bill. *The Order of the Day for the second reading of the Bill to incorporate certain persons as the Trafalgar, Esquesing and Erin Road Company, being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

La Communauté des Filles de Charité of St. Hyacinthe, Bill.

The Order of the Day for the second reading of the Bill to incorporate "La Communauté des Filles de Charité, of the Parish of St. Hyacinthe, in the District of Montreal, for the cure of infirm and sick persons, and for other purposes, being read;[132]

MR. LATERRIERE moved the second reading of the bill to incorporate the Sisters of Charity[133].

(53)

The said Bill was accordingly read,

MR. DUGGAN rose and said, that he had no objection to the bill, but he thought that it ought to be referred to the Committee on private bills, to see if the rules and regulations of this House had been complied with.[134]

DR. LATERRIERE said, that he had no objection to its being referred to the Committee on private bills, but the House had already passed ten or twelve bills of the very same nature last session.[135]

(53)

and referred to the Standing Committee on Private Bills.

West Halton Election.

Mr. Speaker acquainted the House, that he had received the Report of the Commissioners appointed to take evidence in the matter of the Contested Election for the West Riding of the County of Halton.[136]

Member added to Committee on Petition of Indian Chiefs.

Ordered, That the Honourable Mr. Laterrière be added to the Select Committee to which was referred the Petition of Wishe Tegarihontie and others, Chiefs and Warriors, Iroquois, Algonquins, and Nipissings, of St. Regis and other places.

Then, on motion of Mr. Duggan, seconded by the Honourable Mr. Viger,

The House adjourned.

FOOTNOTES - 2 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 2 April 1846, and PILOT, 4 April 1846, in identical accounts.
2. MIRROR, 2 April 1846.
3. The debate on this motion was reported by: MIRROR, 2 April 1846, and PILOT, 4 April 1846, in identical accounts.
4. MIRROR, 2 April 1846.
5. The debate on this motion was reported by: MONTREAL GAZETTE, 6 April 1846, and ST. CATHARINES JOURNAL, 16 April 1846, in accounts which were identical except that in the ST. CATHARINES JOURNAL some speeches have been entirely omitted; and MIRROR, 2 April 1846, PILOT, 4 April 1846, and LA MINERVE, 6 April 1846, in identical accounts.
6. MONTREAL GAZETTE, 6 April 1846.
7. IBID.
8. IBID.
9. MIRROR, 2 April 1846.
10. IBID.
11. IBID.
12. IBID.
13. MONTREAL GAZETTE, 6 April 1846.
14. The debate on this motion was reported by: MIRROR, 2 April 1846, and PILOT, 4 April 1846, in identical accounts; and MONTREAL GAZETTE, 6 April 1846.
15. MONTREAL GAZETTE, 6 April 1846.
16. MIRROR, 2 April 1846.
17. MONTREAL GAZETTE, 6 April 1846.
18. MIRROR, 2 April 1846.
19. MONTREAL GAZETTE, 6 April 1846.
20. MIRROR, 2 April 1846.
21. MONTREAL GAZETTE, 6 April 1846.
22. MIRROR, 2 April 1846.
23. MONTREAL GAZETTE, 6 April 1846.
24. MIRROR, 2 April 1846.
25. The debate on this motion was reported by: MIRROR, 2 April 1846, PILOT, 4 April 1846, and LA MINERVE, 6 April 1846, in identical accounts; and MONTREAL GAZETTE, 6 April 1846.
26. MIRROR, 2 April 1846.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. The debate on this motion was reported by: MIRROR, 2 April 1846, PILOT, 4 April 1846, whose account was copied by BROCKVILLE RECORDER, 9 April 1846, and LA MINERVE, 6 April 1846, in identical accounts; MONTREAL GAZETTE, 6 April 1846; and LE JOURNAL DE QUEBEC, 7 April 1846.
33. MIRROR, 2 April 1846.
34. MONTREAL GAZETTE, 6 April 1846.

35. MIRROR, 2 April 1846.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. PILOT, 4 April 1846.
50. IBID. The PILOT commented that "Mr. Draper, as usual made a beautiful dodge."
51. PILOT, 4 April 1846.
52. IBID. The PILOT described the applause as "tremendous" and noted that meanwhile "Viger, Smith and Daly looked unutterable things."
53. The debate on this motion was reported by: MIRROR, 2 April 1846, and PILOT, 4 April 1846, in identical accounts; and MONTREAL GAZETTE, 6 April 1846, and CHATHAM GLEANER, 14 April 1846, in identical accounts.
54. CHATHAM GLEANER, 14 April 1846.
55. MONTREAL GAZETTE, 6 April 1846.
56. CHATHAM GLEANER, 14 April 1846.
57. MONTREAL GAZETTE, 6 April 1846.
58. CHATHAM GLEANER, 14 April 1846.
59. MIRROR, 2 April 1846.
60. MONTREAL GAZETTE, 6 April 1846.
61. CHATHAM GLEANER, 14 April 1846.
62. MIRROR, 2 April 1846.
63. CHATHAM GLEANER, 14 April 1846.
64. MIRROR, 2 April 1846.
65. MONTREAL GAZETTE, 6 April 1846.
66. MIRROR, 2 April 1846.
67. MONTREAL GAZETTE, 6 April 1846.
68. MIRROR, 2 April 1846.
69. IBID.
70. IBID.
71. CHATHAM GLEANER, 14 April 1846.
72. MIRROR, 2 April 1846.
73. IBID.
74. IBID.
75. IBID..
76. IBID. The MIRROR noted that "the hon. gentleman spoke in so low a tone that we were unable to understand him.
77. MIRROR, 2 April 1846.
78. CHATHAM GLEANER, 14 April 1846.
79. MIRROR, 2 April 1846.

80. CHATHAM GLEANER, 14 April 1846.
81. MIRROR, 2 April 1846.
82. CHATHAM GLEANER, 14 April 1846.
83. MIRROR, 2 April 1846.
84. CHATHAM GLEANER, 14 April 1846.
85. MIRROR, 2 April 1846.
86. CHATHAM GLEANER, 14 April 1846.
87. MIRROR, 2 April 1846.
88. CHATHAM GLEANER, 14 April 1846.
89. MIRROR, 2 April 1846.
90. CHATHAM GLEANER, 14 April 1846.
91. MIRROR, 2 April 1846.
92. CHATHAM GLEANER, 14 April 1846.
93. MIRROR, 2 April 1846.
94. CHATHAM GLEANER, 14 April 1846.
95. MIRROR, 2 April 1846.
96. CHATHAM GLEANER, 14 April 1846.
97. MIRROR, 2 April 1846.
98. IBID.
99. CHATHAM GLEANER, 14 April 1846.
100. MIRROR, 2 April 1846.
101. CHATHAM GLEANER, 14 April 1846.
102. MIRROR, 2 April 1846.
103. CHATHAM GLEANER, 14 April 1846.
104. MIRROR, 2 April 1846.
105. CHATHAM GLEANER, 14 April 1846.
106. MIRROR, 2 April 1846.
107. CHATHAM GLEANER, 14 April 1846.
108. MIRROR, 2 April 1846.
109. CHATHAM GLEANER, 14 April 1846.
110. MIRROR, 2 April 1846.
111. CHATHAM GLEANER, 14 April 1846.
112. MIRROR, 2 April 1846.
113. IBID.
114. CHATHAM GLEANER, 14 April 1846.
115. MIRROR, 2 April 1846.
116. CHATHAM GLEANER, 14 April 1846.
117. MIRROR, 2 April 1846.
118. CHATHAM GLEANER, 14 April 1846.
119. PILOT, 4 April 1846.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. IBID.

130. IBID.
131. IBID.
132. The debate on this matter was reported by: MIRROR, 2 April 1846, and PILOT, 4 April 1846, in identical accounts.
133. MIRROR, 2 April 1846.
134. IBID.
135. IBID.
136. IBID. The MIRROR noted: "Mr. Speaker, handed to the Chairman of the Halton contested election the evidence in that case."

(53)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Riddell,--The Petition of the Reverend Frederick Fauquier and others, members of the United Church of England and Ireland, in the Township of Zorra, in the District of Brock, in the Diocese of Toronto.

By Mr. Foster,--The Petition of the Reverend Andrew Balfour of Waterloo, in the District of Shefford.

By Mr. Leslie,--The Petition of Anthony Leslie, Esquire, Inspector of Licenses in the District of Bathurst.

By Mr. Lacoste,--The Petition of P. P. Demaray, Esquire, Warden, and Pierre Gamelin, Esquire, Secretary of the Municipal Council of the Parish of St. John's, Dorchester.

By Mr. Parent,--The Petition of the Reverend Antoine Parant, Superior of the Seminary of Quebec, and others, inhabitants of La Côte de [illegible], in the County of Montmorency,--and the Petition of Charles Cazeau and others, of Quebec.

By Mr. Boulton,--The Petition of the Bank of Upper Canada; the Petition of D. K. Servos, Esquire, and others, of the Townships of Saltfleet and Binbrooke, in the District of Gore, in the Diocese of Toronto; and the Petition of H. Burwell and others, of the Town and District of London.

By the Honourable Mr. Morin,--The Petition of William Workman and others, of the City of Montreal; the Petition of H. P. Paré and others, School Teachers, of the District of Montreal; the Petition of J. T. Brondgeest, Esquire, and others, of Hochelaga.

By Mr. Cummings,--The Petition of George Ball and others, inhabitants of Niagara and other Townships in the District of Niagara.

By the Honourable Mr. Robinson,--The Petition of William Charles Hume, Esquire, and others, inhabitants of the Township of Orillia.

By Mr. Lemt,--The Petition of W. L. Lamothard, Esquire, and others, of the County of Two Mountains.

By the Honourable Mr. Viger,--The Petition of the Reverend Samuel S. Wood, A.M., and others, members of the United Church of England and Ireland, in the Diocese of Quebec; the Petition of the Very Reverend T. Cooke and others, the Managing Committee of the Christian School of the Town and Parish of Three Rivers; the Petition of Charles Hubert Lassiseraye, Teacher of the late Society of Education of the Town of Three Rivers.

By Mr. Sherwood, of Brockville,--The Petition of the Reverend Edward Denroche and others, members of the United Church of England and Ireland, in the Mission of Brockville.

By Mr. Merritt,--The Petition of James B. J. Hilton and others, inhabitants of the Township of Grantham, in the County of Lincoln; the Petition of George Silver and others, inhabitants of the Township

of Clinton, in the District of Niagara; and the Petition of Absalom Haines and others, inhabitants of the Township of Louth, in the District of Niagara.

By Mr. Thompson,--The Petition of the Municipal Council of the District of Niagara, (relating to the mode of assessment); the Petition of Charles Hill, of the Township of Bertie, in the District of Niagara; the Petition of James Sill and others, of the Township of Walpole, in the District of Talbot; the Petition of John De Cow, senior, and others, of the County of Haldimand; and the Petition of Ronald M'Kinnon and others, of the Townships of Seneca and Oneida, in the District of Gore.

(54)

By Mr. Brooks,--The Petition of the Reverend C. B. Flemming and others, members of the United Church of England and Ireland in the Diocese of Quebec.

By the Honourable Mr. Laterrière,--The Petition of Edouard Boudreau, of the Parish of Baie St. Paul, in the County of Saguenay, Physician.

By Mr. Guillet,--The Petition of David Trudel and others, of the County of Champlain.

By Mr. Chauveau,--The Petition of Jean Baptiste Lebel, Esquire, and others, of the Village of La Misère and of the Parish of St. Ambroise, Jeune Lorette.

By Mr. Gowan,--The Petition of John Dillon and others, of the Parish of Longue Pointe and its vicinity; and the Petition of Frederick Fraser Carruthers, Esquire, of the City of Toronto.

By Mr. Drummond,--The Petition of James Blackburn, Esquire, and others, freeholders of the Townships of Hull and Eardley, in the County of Ottawa.

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec (relating to Assessors).

By Mr. Hale,--The Petition of William Ritchie, Esquire, and others, the Trustees of the Sherbrooke Academy; and the Petition of R. N. Hall, and the Reverend William King, and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By the Honourable Mr. Moffatt,--The Petition of the Montreal Board of Trade (relating to the Bankrupt Laws); the Petition of the Montreal Board of Trade (relating to interest on money loaned); the Petition of Thomas Molson, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec; the Petition of the Reverend William Bond and others, members of the United Church of England and Ireland, in the Diocese of Toronto; the Petition of W. B. Simpson and others, Protestant inhabitants of the Parishes of St. Polycarpe and St. Ignace, in the County of Vaudreuil; and the Petition of the Reverend W. Chadderton and others, members of the United Church of England and Ireland, attending the Chapel of St. Peter's, in the City and Diocese of Quebec.

By the Honourable Mr. Aylwin,--The Petition of the Literary and Historical Society of Quebec; the Petition of Mrs. M. H. Mountain, on behalf of the Committee of Ladies of the Protestant Female Orphan Asylum at Quebec; the Petition of the Reverend John Cook, D.D., and others, the Ministers, Elders and Turstees of St. Andrew's Church, in the City of Quebec; and the Petition of Mrs. Mary H. Mountain, and

other Ladies, the managers of the Male Orphan Asylum of Quebec, in connexion with the Church of England.

By Mr. Solicitor General Taschereau,--The Petition of E. Dalaire, Esquire, and others, Censitaires of the Seigniory of Lauzon; and the Petition of Simon Larochelle, of the Parish of St. Anselme, in the County of Dorchester, Mechanician.

By Mr. Erratinger,--The Petition of Oliver Owen and Joseph Sifton, of the Town of London, in the District of London.

By Mr. Desaunier,--The Petition of James Dickson and others, of the Banlieue of the Town of Three Rivers.

By Mr. Duggan,--The Petition of William Kent and others, of the Townships of Toronto and Chinguacousy, in the Home District.

Niagara Debt Bill. An Engrossed Bill to repeal the Act therein mentioned authorizing the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cummings do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of the Reverend John M'Intyre and others, members of the United Church of England and Ireland, in Orillia and other Townships, in the District of Simcoe, in the Diocese of Toronto; of Francis B. Baker and others, members of the United Church of England and Ireland, in the Township of Leeds, in the Diocese of Toronto; of [illegible] and others, members of the United Church of England and Ireland, in the Township of Yonge, in the Diocese of Toronto; of William Greene, Esquire, and others, members of the United Church of England and Ireland, in parts of Yonge and other Townships, in the Diocese of Toronto; of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the City of Toronto, in the Diocese of Toronto; of the Reverend Thomas Creen and others; of W. N. Bethune and others, members of the United Church of England and Ireland, in the Parish of Kemptville, in the Diocese of Toronto; and of the Reverend John Hickie and others, members of the United Church of England and Ireland, in the Town of Stratford and its vicinity, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Very Reverend Hyacinthe Hudon, Titulary Canon of the Cathedral of St. Jacques at Montreal, Grand Vicar of the Diocese of Montreal, &c.; praying that the Nuns known as "Les Religieuses de Notre Dame du Bon Pasteur," may be incorporated by an Act of the Legislature.

Of Mrs. Adélaide Bouchette, Widow of the late Joseph Bouchette,

Esquire; praying that the sum of £1,000, for which her late husband had a just claim upon the Legislature, but which has not been liquidated, may be paid to her.

Of Mrs. M.A.F. Viger and other Ladies, Directresses of the Catholic Orphan Asylum of Montreal; praying for an aid in support of the said Institution.

Of the Reverend C. Larocque and others, the Curé, Church Wardens and School Commissioners of the Parish of St. Jean L'Evangéliste, in the District of Montreal; praying that the unclaimed balance of the sums granted during the years 1842 and 1843 for Education, be placed at the disposal of certain Trustees, to be by them expended for the advancement of learning.

Of André Vandandaigue, Esquire, President of the Agricultural Society of the County of Verchères; praying that the 8th Victoria, cap. 53, be amended in certain particulars.

Of André Vandandaigue, Esquire, Warden of the Municipal Council of the Parish of St. Mathieu de Beloeil; praying that an Act be passed to compel every land proprietor to open and keep in repair, during the Winter Season, in front of his Property, a road eight feet wide; and that there be no obligation to use any particular description of winter vehicle.

Of Peter Buchanan and others; praying to be incorporated as a Joint Stock Company, with power to construct a Railroad from Hamilton to Toronto.

Of Benjamin Bolton and others, of the Town of Perth, and of Bathurst and other Townships; praying for a new Survey of the contemplated Road from Perth to the Madawaska River.

Of John Felton, Esquire, and others, inhabitants of the District of St. Francis; praying for aid to complete the Road from the Town of

(55)

Sherbrooke to the Township of Stanstead.

Of John Felton, Esquire, and others, of the District of St. Francis, praying for the aid to render secure the Bridge across the River St. Francis, in the Town of Sherbrooke, and to improve the Road leading through the Township of Ireland to the City of Quebec.

Of Thomas Atkins, Inspector of Weights and Measures for the District of Quebec; praying for certain amendments in the existing Laws regulating the Inspection of Weights and Measures.

Of the Reverend Jacob Gooft and others, members of the Societies of Menonists and Tunkers, residing in the Home District; praying for the reduction of the amount now by law exacted from them for the non-performance of Militia Service.

Of Norman Jones and others, of the Townships of Markham and Whitchurch, in the Home District; praying for the adoption of some measure to remove the difficulties arising from the uncertainty of the monuments or governing points of Township Lines, according to the original surveys, by vesting power in the District Councils or otherwise.

Of Sir Allan N. MacNab and others, in behalf of the inhabitants of Hamilton; praying for an extension of the limits of the said Town, and that it be erected into a City, with a new and enlarged Charter.

Of Mrs. Margaret Havener, of the Village of Napierville, in the County of Huntingdon; praying for a Pension, in consideration of the death of her husband, who was killed in an engagement at Odelltown during the rebellion in 1838.

Of Samuel Hitchcock and others, of the Village of Port Sarnia, in the County of Kent; praying that a certain Road leading into the said Village be not closed up as prayed for by Captain Vidal in his Petition.

Of Thomas Kains, Esquire, Mayor and others, the Councillors of the Municipality of the Townships of Grenville and Union, on the River Ottawa; praying for aid to improve the Roads, and to erect Bridges between Grenville and Hull, and to complete the thoroughfare by the Union Bridge at Bytown.

Of the Reverend J. Paquin and others, of the County of Two Mountains; praying that the Agricultural Act of last Session be amended in certain particulars.

Of William Duncan, of Coteau du Lac; praying for the payment of a Balance due him by the Parish of St. Polycarpe, for the erection of a Bridge across the River Delisle.

Of the Corporation of the College of St. Hyacinthe; praying an aid for that Institution.

Of Charles Richardson, Esquire, and others, of the District of Niagara; praying that the Act incorporating a Company to construct a plank road from Niagara to the Ten Mile Creek, be so amended as to allow them to alter the direction of the said Road, and to authorise them to make a water course from the Welland Canal to the said town, and to increase their capital stock for that purpose.

Of Robert Hodgkisson and others, of the Township of Grantham, in the District of Niagara; praying for the passing of an Act to close up a certain Road Allowance in the Second Concession of the said Township, and to establish and confirm "The Lake Road," now used as a Public Highway.

Of John Hall and others, of Dumfries, in the District of Gore; praying that no alteration may be made in the present course of the Road dividing the seventh from the eighth Concessions in the said Township.

Of John D. M'Kenzie and others, of Beverly and Galt, in the District of Gore, and of the United States of America; complaining that they have been deprived of certain Lands in the Township of Beverly, by the operation of an Act of the Legislature, for which they have received no indemnification, and praying relief.

Of the Montreal Board of Trade; praying for a Repeal of the Provincial Duty on Wheat, Flour, &c. and all other articles now paying a duty of one per cent.; and that an additional duty be imposed upon Spirits of domestic manufacture.

Of Sir James Stuart, of the City of Quebec, Baronet, and of Nicholas Austin, of the Township of Bolton, in the District of Montreal; praying for the passing of an Act to facilitate and effect a partition of certain Lands held by them as tenants in common under Titles derived from certain Letters Patent of 1797.

Of Thomas Molson, Esquire, and others, inhabitants of the City of

Montreal; praying to be incorporated as a Company for the purpose of supplying the inhabitants of the said City with Gas, at a reasonable price.

Of the Montreal Ladies Benevolent Society; praying for an aid in support of the said Institution.

Of the President, Directors, and Company of the Bronté Harbour; praying for a renewal of the Charter of the said Company.

Of Edward Evans and others, of the County of Halton; praying that no division of the Clergy Reserve Lands be made, but that they be disposed of as heretofore.

Of His Grace the Archbishop of Quebec, and others, inhabitants of the City of Quebec; praying that steps may be taken to provide a Gaol for the District of Quebec, affording more ample accommodation for the wants thereof, than the one now in use.

Of George O'Kill Stuart, Esquire, and others, of the City of Quebec, and its vicinity; praying to be incorporated for the purpose of constructing a Railway from the Boundary Line between the Province of New Brunswick and Canada, to the Western bounds of Upper Canada; and that aid be granted them for the accomplishment of that object.

Petitions referred.

Members of the Church of England.

Ordered, That the Petition of the Reverend R. G. Plees and others, members of the United Church of England and Ireland, in the Diocese of Quebec; the Petition of the Reverend John M'Intyre and others, members of the United Church of England and Ireland, in Orillia and other Townships in the District of Simcoe, in the Diocese of Toronto; the Petition of the Reverend Robert Blakey and others, members of the United Church of England and Ireland, in the Township of Augusta, in the County of Grenville, in the Diocese of Toronto; the Petition of W. H. Bethune and others, members of the United Church of England and Ireland, in the Parish of Kemptville, in the Diocese of Toronto, and the Petition of the Reverend Thomas Creen and others, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto.

Unitarians.

Mrs. Havener.

Rev. H. H. Hudon.

C. Richardson, Esquire, et al.

R. E. Burns, Esq.

Ordered, That the Petition of the Reverend W. Adam and others, Unitarian Christians of the Petition of Mrs. Margaret Havener of the Village of Napierville, in the County of Huntingdon; the Petition of the Very Reverend Hyacinthe Hudon, Titulary Canon of the Cathedral of St. Jacques at Montreal, Grand Vicar of the Diocese of Montreal, &c.; the Petition of Charles Richardson, Esq., and others, of the District of Niagara; and the Petition of Robert Easton Burns, Esquire, Judge of the District Court of the Home District, be referred to the Standing Committee on Private Bills.

(56)

G. M. Boswell, Esquire, et al. — Ordered, That the Petition of G. M. Boswell, Esquire, and others, be referred to the Select Committee on Railroads.

Rev. J. Paquin, et al. — Resolved, That the Petition of the Reverend J. Paquin and others, of the County of Two Mountains, be referred to a Select Committee, composed of Mr. Scott, the Honourable Mr. Morin, Mr. Armstrong, Mr. DeWitt, and Mr. Watts, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Thos. Atkins. — Resolved, That the Petition of Thomas Atkins, Inspector of Weights and Measures for the District of Quebec, be referred to a Select Committee, composed of Mr. Chauveau, the Honourable Mr. Aylwin, Mr. Solicitor General Taschereau, Mr. Chabot, and Mr. Christie, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rich. Millar. — Resolved, That the Petition of Richard Millar and others, the President and members of the Board of Police of the Town of Niagara, be referred to a Select Committee, composed of Mr. Dickson, Mr. Merritt, Mr. Cummings, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and record.

Report on Private Bills. — The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Banque des Marchands. — Your Committee have considered the Petition of Augustin Perrault and others; praying to be allowed to establish a Bank in the City of Montreal, and beg leave to recommend that the prayer of the said Petition be complied with.

Toronto Plank Road. — They have also examined the Petition of John Grubb and others, of the Township of York, and the Gore of Toronto; praying for an Act of Incorporation, for the purpose of enabling them to construct a Plank Road from the Gore of Toronto to the western termination of the western road; and they beg to recommend the same to the favourable consideration of your Honourable House.

Beauharnois Plank Road. — With respect to the Petition of William Bowron and others, praying to be incorporated as the Beauharnois Plank Road Company, your Committee find that the Rules of your Honourable House have not been fully complied with by the Petitioners, inasmuch as the notice published by them, of their intention to make the present application, is dated

the 6th of February, and the Petition was presented on the 30th of March; and as the 66th Rule requires that notice be given for at least two months previous to the presentation of the Petition, your Committee cannot recommend that any further action be taken thereon.[1]

MR. COLVILLE gave notice that he would, on Monday next, move that the rules of the House be dispensed with in as far as related to the above petition.[2]

(56)

The Honourable Mr. Cayley, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Administrator of the Government,--

Statement of Public Accounts for 1845. — *Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, for the year 1845.*

(For the said Accounts and Statements, see Appendix C.)

Report on Petition of S. De Veaux, et al. — *Mr. Merritt, from the Select Committee to which was referred the Petition of Samuel De Veaux and others, of Niagara Falls, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Your Committee have examined the Petition referred to them, which prays for the incorporation of a Joint Stock Company for the purpose of constructing a Suspension Bridge across the Niagara River, at the Falls, and have carefully weighed the circumstances therein set forth, showing the utility of constructing the same, creating as it will, a great public thoroughfare from the United States into Canada, and rendering it unnecessary for travellers to remain, as they now do, on the American side of the River, in consequence of difficulty of access to this shore, where they can obtain equally good accommodation, and have a better view of the Cataract. Your Committee are of opinion, that when individuals are disposed to invest their capital in undertakings like the one now prayed for, and from which a great public benefit will be derived, it is expedient, as a general principle, for the Legislature to render them every possible facility for carrying out their views, and by so doing encourage individual enterprise, and advance the general interests of the Province; and, therefore, your Committee recommend the prayer of the said Petition to the most favourable consideration of your Honourable House.

Oxford Election. — *Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported that the Committee met this day, at nine o'clock, A.M., pursuant to adjournment, but were unable to proceed to business, in consequence of the*

absence of Mr. Bertrand, a member of the Committee.

Resolved, That the said Select Committee have leave to proceed to business to-morrow morning, pursuant to adjournment, though Mr. Bertrand should not be then able to attend.

On motion of Mr. Prince, seconded by Mr. Drummond,

Private Bills. *Resolved, That the time for presenting Petitions to this House, for Private Bills or Reliefs, in any way, be extended until Friday, the 10th instant.*

Albion Road Company Bill. *Ordered, That Mr. Price have leave to bring in a Bill to incorporate certain persons under the name of the Albion Road Company.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

MR. CHRISTIE[3] moved a Committee to inquire ((i))nto the condition of the Rolls, Records, Journals, and other papers appertaining to the late Parliament of Upper and Lower Canada, and the Parliament of this Province, and the precaution taken for their safe keeping, also the condition of the Judicial Registers, Records, Archives, and papers appertaining to the Courts of Justice in Lower Canada, and in changing the Clerks in Prothonotaries thereof, Clerk of the Crown, Clerks of the Peace, Sheriffs, &c., therein, and whether the same are kept and classed in an orderly and systematic manner, and due precautions taken for their preservation, and what measures (if any) should be adopted for that purpose, to consist of Messrs. Christie, Aylwin, Hale, Chabot, Méthot, Drummond, & Williams.

Mr. Christie ... said that it was known that those deposited in Quebec and Three Rivers were in good order, but he was not aware whether such was the case in Montreal and in Upper Canada. While on this subject he would say that the archives of the French Government at Quebec were lately put in the most perfect order by a gentleman now seated opposite him, Mr. Faribault (one of the Clerks of the House.) The services of this gentleman thus rendered would be experienced perhaps for two centuries to come.[4]

(56)

Committee appointed on state of Rolls, Records, &c. *Resolved, That a Select Committee, composed of Mr. Christie, the Honourable Mr. Aylwin, Mr. Hale, Mr. Chabot, Mr. Méthot, Mr. Drummond, and Mr. Williams, be appointed to enquire into and report upon the state and condition of the Rolls, Records, Journals, and other papers, in manuscript and print, appertaining to the late Parliaments of Upper and Lower Canada, respectively, and to the Parliament of this Province, and the precautions taken for their safe keeping and preservation; also, the state and condition of the Judicial registers, records, archives, and*

papers, appertaining to the several Courts of Justice in Lower Canada, and in charge of the respective Clerks or Prothonotaries thereof, Clerks of the Crown, Clerks of the Peace, Sheriffs, and other officers, or functionaries of the Judicature therein, and whether the same are kept and classed in an orderly and systematic manner by the proper officers, and due precaution taken for their safe keeping and future preservation; and if any and what measures ought to be adopted for that purpose, to

(57)

report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. MERRITT[5] moved an address for a statement of the amount expended for the administration of Justice in Upper Canada, from the Provincial and District funds, and from fees, in 1836 and 1840.[6]

(57)

On motion of Mr. Merritt, seconded by Mr. Thompson,

Administration of Justice, U.C.

Resolved, That an humble Address be presented to His Excellency the Administrator of the Government, praying that he will cause the Inspector General to lay before this House, (in addition to the amount for the periods mentioned in the Address of this House to His Excellency, passed yesterday,) the amount expended for the Administration of Justice in Upper Canada from the Provincial and District Funds and from fees, in the years 1836 and 1840 respectively.

Ordered, That the said Address be presented to His Excellency the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. ROBINSON[7] moved an address to Her Majesty, praying that she will be pleased to take into her favourable consideration the necessity of reducing the rates of prostage (sic) in the North American Colonies. ... Hon. Mr. Robinson ... said, that he was aware that a similar application had been made by the Boards of Trade of Montreal and Quebec, and that the answers thereto were unfavorable; yet he thought it proper that the Legislature should take up the matter: its representations might, perhaps, have more effect than those of less important bodies, and particularly at present when such serious changes are about to take place in the trade of the country. People may say that the item of postage is trifling in business, but he (Mr. Robinson) would say that it was not so; it was a large account with merchants at present, and consequently a very considerable tax upon the people. In the Report of the Toronto Board of Trade were some very apposite remarks on the subject. (The hon. member then read from the Report.) He (Mr. R.) knew that a great deal of blame was laid at the door of the Deputy Post Master, Gl. but he was not prepared to say who was in fault; he was anxious for investigation, that it might be ascertained who really was guilty. It was also said that the greatest resistance to enquiry to be met with was in the Post Office Department itself. This charge should, if true, be likewise established. (Hear, hear,

hear.) - He (Mr. R.) would not then say what sum ought to be fixed. A penny might be too low; if so, twopence should be tried. It was monstrous that[8] the postage of a letter from Montreal to some parts of Upper Canada ... ((was)) equal to the carriage of a barrel of flour between the same places.[9] Besides, it led to constant disregard of the law. He (Mr. R.) never travelled but his carpet bag was stuffed with letters belonging to his neighbours, and while the present rates existed he would never refuse to take a letter for a friend, but if a proper reduction were made he would not do so, and would have no objection to the strict enforcement of the law. He (Mr. R.) was determined to persist in demanding a proper reduction. It was the fashion at home, in speaking of the Colonies, to call us an integral portion of the Empire, and to argue that we ought to be regarded in the same light as the counties in England; let us then, in the matter of postage, be treated like the counties of England, or as nearly so as possible. One of our Governors said that the people of Canada should have nothing to envy in the institutions of their American neighbours. He (Mr. R.) was the last man to envy many of those institutions, but when he was compelled to pay one shilling and fourpence for a letter instead of sixpence, he was certainly not so loyalty-proof as not to think better of the American regulations.[10] He was determined to agitate this question until a reduction was effected, and so long as he held a seat in that House he would, Session after Session, move an Address of this nature.[11]

MR. AYLWIN said the country was much indebted to the hon. member for Simcoe for the independent course he had taken. He (Mr. A.) like the hon. member who had just sat down, was not prepared to impute blame to the Deputy Post Master Gl. It was surmised tha (sic) publicity was not given to the representations made respecting the Post Office, and this was, perhaps, the great cause of the existence and prevalence of abuse. He (Mr. A.) believed that the Post Office here and in the mother country was badly managed; there appeared to be a want of those checks and springs which kept other departments in order; old usages were still adhered to, and the wants of the age disregarded. Exertions should then be made to cleanse this - as he (Mr. A.) feared it was - Augean stable. The efforts of private individuals had done a great deal; how much more, then, might the demands of that House effect? all existing correspondence should, as a first step, be published; it might then be seen where lay the abuses, and where remedies should be applied. - The Deputy Post Master received a salary next to that of the Governor General; it should be known whether he rendered services corresponding to so great an income. Much as individuals had to complain of high rates, he (Mr. A.) believed that the charges to Government were still greater. Some time ago, the member for Ottawa, Her Majesty's Commissioner of Crown Lands, published a report respecting the Saguenay; in England the postage of such a document would be a penny - here it was fifteenpence; and with all due respect to the hon. member who prepared it, he (Mr. A.) should say that fifteen pence was more than the whole worth of it. The rates paid by members of the Legislature,

too, were higher than others were charged; the reason was obvious - the chief payment of the officers of petty places was a commission on the amount received. There was a public account connected with the post office, but he believed that it could not, from the state it was in, be brought to light. How necessary then was it to know all about that department? All should be known. He (Mr. A.) was not prepared to ask controul over it, but if the secrecy now complained of were persisted in, the Colonies would be compelled to demand entire controul. A certain power was given but when it came to be exercised, it was found to consist of a few dirty offices; he (Mr. A.) had had experience of this; he was once told that he had patronage in the post-office, but upon enquiry he found he had an office of £8 in his gift! Why should the officer in England while seeming to give some power virtually exclude us from all? - Then there was such mystification in what was done; he (Mr. A.) remembered that whilst in the Government he one day took up a report on the Post Office which lay in the Secretary's Office, but was told that although a subordinate officer might look into it a Minister could not! Such a system could not but by (sic) highly injurious to the public service. The hon. member concluded by again condemning the high rates of postage, declaring that it is absurd and ridiculous that while a letter from England cost only 1s 4d, the charge from Sandwich, in U. C., was 2s. 6d.[12]

DR. NELSON was right well pleased to hear the statements made by the hon. member for Leeds[13], in reference to the obstructions that were thrown in the way of establishing a Post Office in a particular part of his (Mr. Gowan's) County. He (Mr. N.) would mention another case which showed the manner in which the Post Offices in his country (sic) were conducted, and in which Petitions were disposed of - a highly respectable and influential gentleman living on the River Y((a))maska, about five miles up, applied to Mr. Stayner, to have a Post Office established in a rising village on that river, no answer was returned, after repeated applications, he received an answer in the negative. The gentleman then wrote to me to request me to make application, but he (Mr. N.) did not take any steps in the matter, as he considered if the application of so very a respectable individual was not attended to, he (Mr. N.) need not hope to be more successful. This was another of the many grievances which this country had to suffer on account of the Post Offices. He trusted that the motion for an address would have the desired effect, especially as it came from the other side of the house.[14]

(57)

On motion of the Honourable Mr. Robinson, seconded by the Honourable Mr. Moffatt,

Address to the Queen on Rates of Postage.

Resolved, That an humble Address be presented to the Queen's Most Excellent Majesty, praying that Her Majesty will be graciously pleased to take into Her favourable consideration, the necessity of reducing the rates of Postage in Her Majesty's North American Colonies.

Resolved, That the said Resolution be referred to a Select Committee, composed of the Honourable Mr. Robinson, Mr. Webster and Mr. Christie, to draw up and report the draught of an humble Address in conformity to the said Resolution.

Militia Bill. *Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill for the better regulation of the Militia of this Province.*[15]

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Hastings Titles Bill. *Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to remedy certain defects in the Registration of titles in the County of Hastings in Upper Canada.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the fourteenth instant.

MR. G. MACDONELL[16] (Dundas) moved for an address to his Excellency on the subject of certain lots in the town of Cornwall.[17]

(57)

On motion of Mr. Macdonell of Dundas, seconded by Mr. Smith of Frontenac,

Address for papers relative to a Lot in Cornwall. *Resolved, That an humble Address be presented to His Excellency the Administrator of the Government, praying that he will be pleased to cause to be laid before this House a copy of the Petition on which was grounded the Order in Council directing the sale of Lots Nos. 10 and 11, North side of Water Street, in the Town of Cornwall, together with a copy of the said Order in Council; also, copies of the Report of the District Agent, and of the Commissioner of Crown Lands, touching the same, and copies of any letters and documents addressed by J. S. Macdonald, Esquire, to the Government, on the subject, and of the replies thereto.*

Ordered, That the said Address be presented to His Excellency the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Resolutions reported relative to Agriculture, (L. C.) *Mr. Price, from the Committee of the whole House to consider the expediency of amending the Act 8, Vict. cap.53, for the encouragement of Agriculture in Lower Canada, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's table, and are as followeth:--*

Resolved, That it is the opinion of this Committee, that it is expedient to make such alterations in the Act passed in the last Ses-

sion, intituled, "An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein", as shall legalize the establishment of Agricultural Societies in those Counties which did not avail themselves of the provisions of the said Act, by establishing Societies in the month of June last.

Resolved, That it is the opinion of this Committee, that of the monies received under the said Act for County Societies, instead of restricting the appropriation for the importation of animals, &c., to Fifty pounds, it is expedient to amend the Act so that such amount thereof as the Committee of the Society may determine, may be expended for such purposes over and above the sum of Fifty pounds already mentioned.

Mr. Watts moved, seconded by Mr. Méthot, That the question of concurrence be now separately put upon each of the said Resolutions.[18]

MR. SCOTT. He thought they should not proceed farther with this measure until the House had report of Committee on petition of the Two Mountains; praying for alteration of the Agricultural laws, he therefore moved in amendment that the report be committed to the Committee on the said petition.[19]

(57)

Mr. Scott moved in amendment, seconded by the Honourable Mr. Morin, That all the words after "That" in the said motion be struck out, and the following substituted, "the said Report be referred to the Select Committee to which was referred the Petition of the Reverend J. Paquin and others, of the County of Two Mountains."

MR. WATTS. The object of the bill he was going to introduce was merely to legalize the existence of such Agricultural Societies as had not been formed in June last; owing to the great time that elapsed before the acts of last Session were printed and distributed, very few of the inhabitants in many parts of the country were aware of the existence of the bill, establishing Agricultural Societies, in the month of June last, the time appointed by the Law for the election of officers and the formation of societies; and consequently most of the elections had only taken place in February last; the only object of this bill was to legalize the existence of such societies as had been formed after the time allowed, in order that they might be enabled to receive the amount granted by government to the other Agricultural Societies: he thought the present bill was a good one; it had yet worked very satisfactorily; and he would be extremely sorry to see it meddled with.[20]

(57)

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to.

And the said Resolutions being again read, and the question of concurrence being separately put upon each, they were agreed to by the

House, and

Resolved, Accordingly.

Agricultural Societies Bill, L. C.

Ordered, That Mr. Watts have leave to bring in a Bill to amend the Act for the encouragement of Agriculture, by the establishment of Agricultural Societies in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Member called and did not appear.

Mr. Bertrand, Member for the County of Rimouski, having been called, according to order, did not appear.

Bill relative to modes of Assurance, &c.

The Order of the Day for the second reading of the Bill for the substitution of more simple modes of assurance in lieu of fines and recoveries, being read;[21]

MR. AT. GEN. DRAPER - This was a bill exclusively relating to the forms of conveyance of real estate, and he thought that there was no necessity of entering into any discussion upon the measure at present, at least; he would therefore move that the bill be now read a second time.[22]

MR. AYLWIN - wished to know if the bill was in accordance with the report of the Committee.[23]

MR. AT. GEN. DRAPER - Yes, exactly, and he would add that it was a bill precisely the same as one passed in the British Parliament in 1834. If the bill was read a second time now, he proposed, to refer it to a Committee of the whole on Tuesday next.[24]

MR. BALDWIN - He had just receieved (sic) a copy of the bill; he would not oppose the second reading now, but would reserve to himself the power of entering into its merits on that occasion.[25]

MR. AT. GEN. DRAPER - He had no wish to press the measure and seeing that the copies of the bill had just been distributed, he would defer the second reading of it till Tuesday next.[26]

(57)

The said Bill was accordingly read, and commited to a Committee of the whole House on Tuesday next.

Lunatics and Idiots' Relief Bill.

The Order of the Day for the second reading of the Bill to remove certain doubts as to the jurisdiction conferred upon the Court of Chancery in Upper Canada in matters relating to lunatics, idiots, and persons of unsound mind, and their estates, and to amend and extend the laws in force in Upper Canada relating to lunatics, idiots and persons of unsound mind, and their estates, being read;

Ordered, That the said Bill be read a second time on Tuesday next.

(58)

Provincial Penitentiary Bill.

The Order of the Day for the second reading of the Bill to consolidate and amend the laws relating to the Provincial Penitentiary, being read;[27]

MR. AT. GEN. DRAPER said the object of the bill relating to the Provincial Penitentiary, was to consolidate the various Acts relating to this Institution, and to amend them in some particulars; and to remove doubts in those cases where sentence of death was commuted to imprisonment in the penitentiary. As however the bill has just been printed, he would agree to postpone the second reading until next Tuesday, and then to be referred to a committee of the whole on the succeeding Tuesday.[28]

COL. PRINCE opposed the postponement of this measure, the principles of which were admitted by all. The season of the year that the Legislature has been called together is so late, and members are so anxious to get home, that he (Mr. Prince) called upon the administration to bring on the ... business as quickly as was consistent with the public interest. He (Mr. P.) approved of this bill, considering it to be an amelioration of the law, as it now stood.[29]

MR. AT. GEN. DRAPER - The Ministry had used their utmost exertions to expedite the business, and he (Mr. D.) was as ready now, as ever he would be, to explain the principles of this Act, but, at the desire of some of the members, he had consented to postpone the second reading until Tuesday, he would, however, with the consent of the House, refer it to a Committee of the whole on Thursday.[30]

MR. AYLWIN would explain to the hon. member for Essex, the reason why the consideration of this measure ought to be postponed. He (Mr. A.) had just had the bill in his possession for ten minutes, and he had not yet read it. The bill also contains some very important provisions, touching the liberty of the subject, and ought not therefore to be hurried through the House. The government will at another time have to answer for the period of the year that the House has been called together. Because members wish to get home, is no reason why they should proceed with precipitation; he (Mr. A.) thought that now was the time for the members to be cautious, for this is one of the most important sessions that have ever been held.[31]

MR. BALDWIN objected to the opinion that had been expressed, that the second reading of a bill was a mere matter of course, because it might lead the young members of the House into error; they might suppose that these forms were unnecessary, and hindered the despatch of business. But he (Mr. B.) considered that all the rules of the House were founded on good sound sense; they were necessary to the just discharge of their duties. The second reading of a bill was one of its most important stages, and not therefore a matter of course. In the Upper Canada Legislature many of the members thought it a great hardship if they were not permitted to read their bills a first and second

time, and refer them to a committee; but such was not the practice of any other Legislative Body that he was acquainted with.[32]

MR. MOFFATT, agreed with the hon. member for the Fourth Riding of York, that the more closely they followed the rules of the House the better. But there were some local or other bills about the principle of which, there could be no difference of opinion, which might be read a second time, without debate, and then referred to a committee to examine their details. This was the rule adopted in the House of Commons in such cases.[33]

MR. BALDWIN - There is another question put by the Speaker of the House of Commons, which is not put here, namely, shall I leave the chair. This practice might with advantage be adopted by us.[34]

(58)

Ordered, That the said Bill be read a second time on Tuesday next.

Registry Bill, (U. C.) — *The Order of the Day for the House in Committee on the Bill to consolidate and amend the Registry Laws of Upper Canada, being read;*

Ordered, That the said Order of the Day be postponed until Tuesday next.

Committee of Supply. — *The Order of the Day for the House in Committee to consider of the Supply granted to Her Majesty, being read;*

Ordered, That that part of the Speech of His Excellency the Administrator of the Government, to both Houses of the Provincial Parliament at the opening of the present Session, which relates to the granting of a Supply to Her Majesty, be now read.
The same was read accordingly.

Ordered, That so much of the said Speech as relates to a Supply, be referred to the said Committee.
The House then resolved itself into the said Committee.
Mr. Colville took the Chair of the Committee;[35]

MR. INSP. GEN. CAYLEY[36] then rose and addressed the House. He said that he should not detain the House long, but would endeavour to detail as concisely as possible the exact state of the finances of the country. He would begin by the estimate which had been made last year, of the probable amount of the revenue. He held in his hand a statement, which showed that the calculation made at that time for the whole revenue of the Province for the year 1845, fixed the probable amount at £522,850. Perhaps the actual revenue approached as nearly as was possible to that estimate, the returns for the year, showing a total of £524,367. To that sum, the balance in hand from 1845, £183,197, must be added, which had been appropriated, out of which latter sum £38,091 had been expended in payment of various demands. Of these, he might mention as examples, the sums of £13414 paid to the Contractors of the Chambly Canal, and of £9,187 for the contingencies of the House of Assembly. The printing of the Acts of Parliament had also cost £3655 and £7000 had

been forwarded to the sufferers by the Quebec fire; the whole of the items paid amounting to the sum of £38,091 already mentioned. The House then with this exception had disposed of the whole of this sum £707,564 including the sum of £141,287 for the interest on the public debt, and £83,333 was employed in meeting the charges under schedules A and B of the Union Act. Of the general appropriations of last year there then remained about £10,000 not yet drawn for, while of the £125,000 voted for new works, only about £40,000 had been as yet expended, although all the works had been commenced, and the £63,266 voted for the sinking fund, to redeem the loan to Great Britain had not been remitted, so that there appeared to be at the credit of the consolidated fund an amount of £184,112. On the other hand, an advance had been made to the Board of Works of £139,470, in order to enable that department to proceed with the public works, which it had been authorized to undertake by the 4 and 5 Vic., and which had exceeded the amount of the appropriations. He should advert to that matter more particularly at a later period. He would then turn to the several sources from which he expected to derive his income for the coming year, and would go over the various items. The first was the interest payable upon deposits. That had been last year calculated at £4,000; it actually returned £6,080, and he estimated it at £5000 for the current year. The casual revenue had been estimated at £5000. It really produced £11,480, but this excess was caused by the return of a sum of £6,000, which had been loaned to the Trinity House, for the erection of two light houses. This had been repaid by that institution from the proceeds of a tax of 2d. per ton levied upon shipping. For that item, therefore, he would go back to £5,000. The revenue from seizures, fines, &c. was calculated at £3200, it returned £3,390: for the coming year he would estimate it at £3,300.

Exemptions produced £50 last year, and he estimated them at £50 for the present year. The revenue from the public works had been estimated last year, at £30,000, and had produced £27,500, which, however, should more properly be called £32,931, as the two sums of £2,230 and £3,200 which had been expended upon the Lachine and Welland Canals, had been rendered necessary for repairs, and were independent of the expenses attendant upon management and collection, which he thought were the only ones which could fairly be deducted from the gross receipts, in order to estimate the nett proceeds.

In order to estimate the probable revenue from the Public Works, he had obtained the assistance of Mr. Killaly, the Chairman of the Board of Works, as he was not able to say what works were completed or likely to return a revenue for the ensuing year. The memorandum furnished by Mr. Killaly, estimates the return from Public Works at £63,000, but as the estimate for the Welland Canal was taken at £33,000 for 1845, whereas in 1845 it fell short of £20,000, he was not prepared to make a greater allowance than £22,000. The Lachine Canal having been closed during a part of 1845, no fair criterion could be obtained of the revenue that year, and he consequently estimated the returns for the current year at £7,000, the amount realized in 1844. The proceeds from the Ottawa slides, Mr. Killaly estimated at £9000. The

whole amount of that gentleman's statement came to £63,000, but he would deduct one fourth from that and say £45,000 as the revenue from that department for the coming year. He felt that it was important to dwell upon this part of the subject, because it would appear that the revenues of the Province had been drawn upon to a greater extent than could have been anticipated, and because he knew that he should have something to do to answer all the questions which would be put to him from the other side of the House, as to the manner in which he accounted for the increased expenditure. The next item was the Bank imposts. They had been calculated at £10,000; and they had returned £13,020. For the coming year he estimated them at £13,000, which he thought he might fairly do when he considered the intention to increase their business, which several of the Banks had manifested by increasing their stock. The Excise had been estimated for the last gear (sic) at £35,000. It had produced £32,475, but the local taxes on Taverns, &c., having been abstracted to the amount of £7,524 in Upper Canada appropriated to the payment of rebellion losses, and £5,140 in Lower Canada to purposes peculiar to that part of the Province, he would take the amount of income from that source for the current year, at £20,000. The Customs reckoned last year at £400,000, had produced £419,000. He was not prepared to estimate to a nicety that source of revenue for the coming year, but he thought £406,000 might be fairly taken as the probable amount. As he proposed to make some changes in the duties levied on dutiable articles, he would go over some of the items which had been settled last year, and examine the results, in order to show the object on the alterations he intended to introduce. It happened that - [37]

MR. CHRISTIE asked if the net receipts were greater than those of 1844.[38]

MR. INSP. GEN. CAYLEY replied, no, - that several charges which belonged to the year 1844, had been paid in 1845, besides which the changes in the regulation of the customs, among which was one to abolish fees paid to officers, and to compensate them by an increase of salary, in lieu of those emoluments, had added somewhat to the expense of the department, - an expense, however, which he believed had been amply made up by the greater efficiency of the service and the consequent prevention of smuggling. To return to this subject, he was about to remark that it was highly proper to bear in mind the two different objects for which customs was imposed, namely, - the creation of a revenue, and the protection of home production. In the latter case, of course, the object would be better attained, in proportion as the duty was onerous and prohibitive. On the other hand, if the object was the raising of a revenue, it was most important to use great caution, and exercise a judicious liberality in dividing and subdividing the burthen over a great many articles, in order to show that it was desired to raise revenue, not by heavy imports, but by largely increasing consumption. He would compare some of the estimates of last year with the real amount of revenue produced, so that hon. gentlemen might see the force of what he advanced. The first thing to

which he would call attention, was the protective duty levied on horses and cattle. The estimate upon the increased rate of duty was taken at £10,950. The actual receipts were £7,040, showing a falling off, as compared with the receipts in 1844, of £72, and as compared with the estimates, of £3,010. So that the duty appeared to have the effect of diminishing, instead of increasing the revenue. To show this in a more convincing light, he would strike off the receipt on account of horses, upon which no increased rate of duty had been imposed. It would then appear that the whole number of cattle imported in 1844 was 6561, producing a revenue of £5,572, while in 1845, no more than 2891 had been brought into the Province, and the customs levied upon them had not exceeded £4,098, showing a deficiency of £1,474. Another instance of the effect of protective duties might be found in the case of the addition of 7½d. a barrel imposed on flour brought into the province. The number of brls. brought in the year 1844 was 131,287, upon which a revenue of £15,973 was raised. It was anticipated that an increase of the revenue upon this article would have taken place to the extent of £3,992, but instead of that being the case, the number of barrels imported fell off to 68,300, and the revenue derived from them was only £10,383, making a reduction of not less than £5,590. On spirits, the charge instead of 6d. per gallon, was raised to 1s. 3d., and the estimated increase in revenue was calculated at £13,492, but instead of 475,608 gallons imported in 1844, only 367,856 were brought in in 1845, showing a diminution of the consumption of 107,752 gallons. At the same time the revenue in 1844 was £36,268, so that the improvement was only £2,705 in lieu of £13,493, which had been expected. The duty on wines had been changed from 1s. per gallon on Madeira, and 6d. on other kinds, to a general charge of 8d. per gallon, and 10 per cent ad valorem; and the estimated improvement was 17,665. The actual revenue from this source in 1844 was £16,319: last year it was £17,732, showing no greater improvement in revenue than £1,413, at the expense of a decrease in quantity from 392,279 gallons in 1844 to 220,995 gallons in 1845, or a deficiency of 171,284 gallons. It was to be remarked, however, that the change was partly to be attributed to the heavy importations which took place in 1844, which, of course, rendered a large importation next year unnecessary.

There were two other instances to which he would refer. These related to the articles of tea and tobacco. Of manufactured tobacco, the importations in 1844, at the inland ports, amounted to 1,668,396 lbs., which, at 7 per cent. Imperial, and 2d. Provincial duty, brought in a sum of £19,666. In 1845, 2,183,320 lbs. were imported, being an improvement in quantity, equal to 414,724 lbs., while the diminution in duty was only 3,473, the revenue amounting to £16,192, of unmanufactured tobacco, 61,795 lbs. were introduced in 1844, and 330,822 lbs. in 1845, at the inland ports, the duty being, in each year, 1d. sterling per lb. showing that an enormous increase, to the amount of 269,027 lbs. had taken place in the consumption, although no reduction had been made in the duty. But the change was to be imputed, also, in a great measure, to the praiseworthy vigilance exhibited by the officers

appointed to watch the frontier, as the excess was entirely at the inland ports. There was imported into Montreal and Quebec, in 1844, 253,474 lbs. of unmanufactured tobacco, at a duty of 1s per lb: in 1845, 191,930 lbs were imported, showing a decrease of 61,549 lbs., and exhibiting a total deficiency of £1,787 in the revenue froum (sic) that source. As there was so large an increase of importation at the inland ports, and so small a reduction in the seaports, he hoped that in another year the revenue might equal that of 1844. In the article of tea, imported at the inland ports, in 1844, the accounts showed a quantity of 1,088,199 lbs., which at 1d Imperial, and 2d Provincial, duty, produced a revenue of £22,066. In 1845, 1,908,329 lbs. were introduced, showing an improvement in quantity of 820,130 lbs., and this on an article which had long ceased to be a luxury, and had become a necessary of life. It seemed to him, that the loss of £2,428, by the reduction of duty, was a trifle, compared to the advantage of the people of every class being able to procure the article in greater quantity, and at a cheaper rate. On this head, too, he assumed, that, in the coming year, the revenue would equal that of 1844. He desired, especially, to direct the attention of the honorable member for Lanark to the several figures which he would give him, because they would show the truth of the principle which he had assumed with regard to tobacco - that the increase was owing to the increased vigilance of the officers. The quantities entered at the several ports mentioned below, in the years 1844 and 1845, stood as follows: -

	1844.	1845.
Port Dalhousie	1,229 lbs.	18,903 lbs.
Niagara	6,180	21,427
Windsor	3,440	8,172
Prescott	1,896	7,319
Brockville	20,177	83,397
Belleville	1,117	15,817
Port Stanley	24,302	67,320

These ports were all of them situated in positions which were very favourable to the operations of the smuggler, but he would give two or three instances of some other ports in a different position, to show more distinctly the point which he desired to enforce. At Kingston the quantity of tea imported in 1844, was 114,927 lbs; in 1845 it was 196,268 lbs; at Toronto, in 1844, it was 258,680 lbs; and in 1845, 323,960 lbs.; in Hamilton the quantity imported in 1844 was 191,198 lbs, and in 1845, 265,657 lbs. Of manufactured and unmanufactured leather, the value in 1844 was £58,775, upon which a large duty was imposed, equal in some cases, to 25 or 30 per cent. In 1845 the importation only equalled in value £39,512, showing a falling off of £19,262 in value. The revenue was somewhat improved, but he thought the imposition was too heavy. The revenue from inland importation was in 1844 of the value of £5,568, and in 1845, £10,322, showing an improvement of £4,654. In Montreal and Quebec the gross amount of customs collected on this article was £1,426, in 1845, but he was unable

to give the amount in 1844, because being an ad valorem duty, it had been included with others of the same class, and the distinct amount could not be ascertained. From other sources, however, he was able to say, that he believed the amount must have been much higher that year than it was last. In the inland ports, the duty on leather, such as goat skins, sheep skins, &c., was, in 1845 £6,290, and on manufactured leather of all descriptions, £4,030. On linens, woollens, and hardware, the duty in 1844 had amounted to £113,486, and in 1845 to £123,277, showing on this item an improvement of nearly £10,000.

On sugar, the duty in 1845 had been £86,006, in 1844 92,210 showing a diminution of about £7,000. This was to be accounted for from the largeness of the supply in 1844, and the very limited crop which had been made in Cuba last year. In molasses, the duty for 1844 had been £5,579, in 1845, 9,186. In fruits, oils, and spices there had been an improvement in 1845 of £8,300. He would now briefly go over the changes which he proposed to apopt (sic). First, in wines: he proposed, instead of the duty of 8d. per gallon, to substitute one of 4d.; and instead of the ad valorem charge of 10 per cent., to reduce it to 5 per cent on all classes of wine. On Muscovado and bastard sugars, he proposed to reduce the duty for the present year by 1s. 10d. per cwt., and to make a further reduction of 1s. 3d. per cwt. in 1847, making the reduction, in all, 3s. 1s. per cwt. He proposed to classify all sorts of dye woods, with the nuts, vegetables, and other subtances (sic) used for dyeing, and to admit them at the same duty of 1 per cent. Indian corn he proposed to admit duty free. American wheat he would also admit free, to be exported or to be ground in bond for exportation. He proposed to admit all kinds of manufactured or unmanufactured leather , the produce of Great Britain or the British Colonies, when imported direct or by sea, at 5 per cent ad valorem. By inland routes he proposed to adopt the following scale: -

UNMANUFACTURED LEATHER.

	Present rate. per lb.	Proposed rate. per lb.
On goat, lamb, and sheep skins	Not to be changed.	
Calf sks, dressed	6d.	3d.
Kips	3d.	2d.
Harness leather	2d.	1d.
Sole do	1½d.	1d,
Leather cut to shape	6d.	3d.

ON MANUFACTURED LEATHER

	Present rates. per doz.	Proposed rates. per doz.
Boots, shoes, &c. per doz.	7s. 6d.	5s.

	Present rates. per doz.	Proposed rates. per doz.
Womens' boots, & shoes, silk or satin, &c.	7s. 6d.	5s.
Girls' boots, shoes and leather go-loshes, under 7 inches in length	2s. 6d.	2s.
Girls' boots and shoes of silk, satin, jean or other stuff, kid or morocco	3s.	2s.
Men's boots, per pair	2s. 6d.	1s. 3d.
Boys' boots, above 8 inches in length	1s. 3d.	9d.
Boys' shoes, 8 inc's and under	9d.	4d.

He anticipated that the revenues received at Montreal and Quebec would be increased by this change, and that the introduction of certain descriptions of goods would not be so strictly prohibited as they were by the tariff of last year; at the same time that a fair protection would be maintained for Home manufactures. The next circumstance which he approached was one upon which he apprehended no difficulty. When information was received of the awful calamity which befel (sic) the City of Quebec, the Governor in Council appropriated the sum of £7,000 for the relief of the sufferers; and he trusted that grant would meet with the sanction of the House. (Cheers.) It was no time to consider of expediency, it was no time for delay, when thousands were without food or shelter; the adage "bis dat qui cito dat" may be applied in that case, and he had no doubt that the House would unanimously approve of the appropriation. In further aid of the sufferers, the Government proposed to raise by Debentures upon its guarantee, the sum of £100,000, to be given upon loan in proportionate sums for the restoration of the buildings destroyed; security being taken upon the lands and tenements for the loans made to individuals; he trusted that the House would concur in this measure of assistance. The next point to which he would allude, was the great loss of life and destruction of property which had taken place in the autumn of last year, among the shipping in the Gulf of St. Lawrence. The relief stations and Light-houses for want of support, were not so adequate to the purposes for which they were intended as they ought to be. He was not prepared to advocate the levying of any additional tonnage dues upon shipping, as he considered such a course, to say the least of it impolitic; as a commercial country, it was their duty to support the shipping, and put no burden wbich (sic) could be avoided upon trade. But a loan of

£19,000 had been made several years back by the Provincial Government, to the Commissioners of the Montreal Harbour, this sum had enabled them to build those magnificent wharves which had defied the force of the ice; those improvements had been productive of an ample revenue, and would in a short time enable the Commissioners to pay off the debt. He proposed therefore to apply this £19,000 as it should become paid, or, if necessary to anticipate the payments, for the purpose of erecting new light houses and establishing more relief stations. The next subject to which he came was the accumulation of the funds derived from the Jesuit Estates; these funds had been accumulating, he believed, since 1832, or he might say from the year 1800, when that order became extinct, until the present time, and they amounted to over £45,000, of which £14,115 was invested and £33,415 was still in the Receiver General's chest. This sum invested in debentures, at even 5 per cent, would make an addition to the revenue of £2,250, and the yearly profits of the same estates were about £4000 more, - He proposed to apply there (sic) sums towards Educational purposes in Lower Canada.[39]

MR. AYLWIN - In accordance with the Act.[40]

MR. INSP. GEN. CAYLEY continued: - He was not aware whether the Act specified for Lower Canada alone, but such was the intention of the government. He would now turn to a uqestion (sic) which had been much agitated, and which was of considerable importance to Upper Canada - he alluded to the Administration of Justice - (cheers.) He proposed to charge this burden upon the public revenue, but as there were at present no means at his disposal for this purpose, he proposed to assume this year one-third of the charge, next year two-thirds of it, and finally in 1848 that the Province should assume the whole - (cheers.) He did not think that Lower Canada could complain of this; it was not his intention to draw upon the present revenue for this purpose, but to provide a new fund from which it was to be liquidated. He proposed to make an alteration in the methok (sic) of levying the duty upon Provincial spirits; at present the duty was charged upon the capacity of the still, a method which was found to bear most unequally, as the quantity of spirits drawn under certain circumstances from a still of one magnitude bore no proportion to the quantity drawn under different circumstances from a still of the same proportions; he therefore proposed to levy a duty of 3d. per gallon upon the distiller's product. He was not prepared to state with correctness the exact amount which this change would produce, but he had reason to believe that it would be very great. He instituted enquiries as to the amount of spirits manufactured in Canada, and the returns he had received set down the quantity at 4,500,000, exclusive of the Districts of Simcoe and Huron, from which no returns had as yet been received, but which might be set down at 70,000 more. He did not give this statement to the House as a correct one, but was prepared to allow a very wide margin; assuming it to be correct under the system he proposed this branch would produce £57,000, now he was prepared to strike off more than one half and estimate the revenue thus to be derived at £28,000, or an increase of

23,000 over that now drawn from the same source. The cost of the Administration of Justice in Upper Canada appeared by returns which would be shortly laid before the House, somewhat under £18,000, he believed in naming that sum, he was above what it would be found to cost, so that after paying the charge imposed upon, this new fund would contribute considerably towards other wants of the government.[41] - To return again to the subject of the sinking fund which for two years would amount to £123,000. It would be remembered that when it was first proposed to raise a loan for the purpose of carrying on the Public Works, one million and a half sterling was authorized to be obtained upon debentures, with the guarantee of the British Government, but owing to the loose construction of the Act for the purpose, it was found that when that sum had been actually raised, the powers of the Act ceased. The Debentures had been sold in England at a premium of £12 per cent. consequently, although this province obtained the full sum of £1,500,000, yet the loan effected in reality was only £1,360,000; and, under the guarantee they were entitled to raise the further sum of £140,000 to make up the million and a half exclusive of the premium. The British Government was prepared to allow this, and it was clear that the province needed it to provide for the advances which had been made to the Board of Works. (Cheers.) There were two courses open to them, either to borrow this £140,000 and continue the Sinking Fund, or to allow the loan to remain as it was, and to take the Sinking Fund for two years, 1845, 1846 for the necessities of the province. - The Provincial debt would be less in the end by £12,000, if they did not go to the full limit of their guaranteed credit, the saving being effected by the difference between the amount of the Sinking Fund for two years, or twice £64,000 and the £140,000 which they had power to borrow, in addition to the saving of exchange and interest, for it must be borne in mind that while they paid 4 per cent. for the borrowed money, they could not obtain that rate of interest upon the deposit of the Sinking Fund. The whole amount of the Provincial Debt to England was originally £1,360,000 sterling, of this 44,000 had been repaid, and the present liability was £1,316,000; they had borrowed less than they had power to do, and he was free to confess they had spent more than they had authority to do. (Cheers.) He was now prepared to state how it happened that the large advances had been made to the Board of Works, and when that statement was made and the facts upon which it was founded investigated, he believed that House would have no grounds of accusation against the Administration. These works were designed and commenced beforr (sic) the present Administration came into power, in 1842 and 1843; it was also well known that when contracts were given for the execution of such works, the Government stood committed for the whole sum which was involved by the contract no matter how much it exceeded the original appropriation; these contracts were made not at so much for the whole work, by which the requisite outlay could be immediately arrived at, but at so much per yard for excavation or masonry, and in like manner for other works. Thus, the contract being once entered into, and the works commenced, it was not in the power of the Government, if it found that the estimates of the expense of the

work were too low, and that the appropriation for the purpose was about to be exceeded, to suspend the work. The moment these works were begun, the faith of the country was pledged for the payment of the whole sum, which the contract might bring against it. Thus it was, that when in July last they were called upon to make an appropriation of £22,000 for the Welland Canal, they had felt bound, for the sake of maintaining the credit, to do so, and further, to make monthly appropriations for the payment of the debt in which these works envolved (sic) then (sic); and thus, from that time until the first of March last, £90,000 had beeen (sic) expended. With regard to the works at the Rondeau Harbour, it had been also found necessary to exceed the amount provided by that House for the improvements; a report from the President of the Board of Works had been laid before the Council, showing that if the piers were left in their unfinished condition, in the autumn, exposed to the violence of the winter seas, all that had been done would be destroyed; the further appropriation of about £6,000 on the works had therefore been authorized. In the year 1842, and '43 the Cobourg Harbour had been, some way or other mortgaged to the Government, and £10,000 had been expended upon it; but no authority was to be found for the expenditure, and no appropriation by Parliament. (Hear, hear.) It seemed, however, to have been taken ftom (sic) the appropriation for Harbours aud (sic) Light Houses, but this had not been discovered until the appropriation for these purposes had been much exhausted, and then it was found necessary to remove it from that appropriation in order to give to those works the benefit of the true sum intended by Parliament for them. Provision had therefore to be made for this.

He wished to disguise nothing from the House, but to lay before it a plain and simple statement of facts. He asked for no favour at its hands, but courted the fullest and strictest investigation. - The expenses which the Administration had incurred were not expenses of their seeking, the works which had been carried on were none of their designing, the contracts had been entered into in 1842, 43, and the present ministry felt themselves compelled in order to preserve the public faith which had been pledged to contractors to make such advances as a strong necessity compelled, but for which they were not responsible. He had applied to the Board of Works for estimates of the probable future expenses on the Welland Canal, and had been informed that, independent of the means already expended, £183,328 would be required; this was indeed a great additional burden upon the revenue, the original appropriation was £500,000, and the probable cost would be £770,000; but this was not all, he had felt it his duty to call upon the Board of Works for estimates of the required outlay upon all the works now in progress, and at a very late period, as late as the 26th of March last, had obtained a report from the Secretary of the Board, which appeared to be Mr. Begly's particular report, in which it was shown that the sum which would be required, over and above appropriations made by the 4th and 5th Victoria, was £508,000. He said that this was Mr. Begly's particular report, because appended thereto was a note from the President of the Board, setting forth that the documents had been prepared

without his having been consulted upon the subject, and the amount was greater than the reports of the several Engineers had led him to expect; he could not therefore pledge himself to their accuracy although perhaps upon investigation they might be found to be correct. Perhaps the Chairman had not had time to look closely into these documents, and make the necessary enquiries and calculations. I know, said he, that there are likely to be a great many demands upon the public purse, and I wish to show you in what state that purse is, so that hon. gentlemen may be merciful when they ask for money. I pronounce no opinion upon the expenditure which has been made; I wish to cast no doubt upon the value of the works which are now in progress, and for the perfection of which this great debt has been incurred; one thing is evident that when they were commenced, what would be their actual cost, was not known. He was not prepared to say that the expenses incurred were greater than they ought to have been; he had, as a Commissioner of the Enquiry now going on, examined the books of the Board of works, and had found the prices moderate, in no instance had he found them extravagant; he knew something of these matters, particularly, as regarded timber, and in no instance had there been too high a price allowed; yet there was the conclusive fact, the actual cost had gone far beyond the estimates. He believed that thse (sic) works were, and would be of a vast and increasing importance to this country, and as yet they never were of greater importance than they promised to be at the present time. It had been said by some persons, that the St. Lawrence was an expensive route, and could not compete with New York; he did not agree with that opinion, on the contrary, he believed it might be made much cheaper. He appealed to his hon. friend for Lincoln whether the locks upon the Erie Canal were not more numerous, and of consequence more expensive in working than those upon the St. Lawrence. It had been said that vessels were more expensive here than among the Americans, this too he denied, we could build ships at from £5 to £10 per ton, while the Americans began at £10 and went up to £20. He had heard that the management of these vessels was more expensive, what could we not be as economical as our neighbours; could it be said in a British Colony that its people cannot equip, man and sail their ships as well, and yet as economically as the Americans? What reason was there, then, why the St. Lawrence should not compete, yes, and successfully compete with any rival route? - There was no reason, and he believed that it would in its Inland Waters, and through to the ocean, more than compete with the Erie Canal. The price of freight and insurance necessarily depended upon the amount of business carried on, it therefore became necessary that this country should exert itself to remove every duty which has the effect of preventing business, and it was on that account that he had given his aid towards the taking off the duty from wheat. If the market were a limited one, it was clear that it must always be a bad one, because a merchant could place no confidence in it. Supposing for instance, that a merchant in Liverpool has advices that the price of flour in Montreal is 25s. per barrel; and suppose he sends an order to his correspondent to ship him a large quan-

tity to his account, what would ... be the consequence? In all probability five or six other merchants have been induced by the same circumstances, to do the same thing; all their orders came at the same moment, and up goes the price to 30s.

Again, when a ship-owner hears that the price of freight is 7s. 6d. per barrel, he may, perhaps send his vessel only to find two or three more in the port, all seeking freight like himself, and down goes the price, there is produce only to load two or three, and a competition is immediately established among them all to get a share. Thus, a limited market must always increase charges. He thought that no Administration would impose heavy tolls on the public works. It was sufficient that they should just pay their own expenses. It had been said by the hon. member for Quebec, that the lower part of the Province had no interest in the improvement of the Saint Lawrence navigation.[42]

MR. AYLWIN, the hon. gentleman has mistaken me. He will find that I am of quite a different opinion. We have too much interest in it.[43]

MR. INSP. GEN. CAYLEY ((resumed:)) He dissented entirely from that opinion. He said that the St. Lawrence was the great artery which fed Montreal and Quebec, and every town upon its banks. He insisted that the carrying trade was the vital principle of the Lower Province, and that it was nourished by the trade which came to the Saint Lawrence. Every road and canal which came down to its shores communicated the pulsation to the heart of Montreal, and through it to the whole of Lower Canada. He insisted that it was impossible to give a benefit to any one part of the country without benefiting the whole. And here he would ask what all the works on the Ottawa were made for if it were not for the benefit of Quebec? It was not Montreal; it was not the Upper Province which was advantaged by those works, but the City of Quebec to which all the timber of the country was sent for shipment; and here he would as the timber trade had been alluded to, show the immense quantity of timber which was exported and of which almost the whole was shipped at Quebec. In

1842 265,000 loads were shipped.
1843 448,424 do
1844 444,000 do
1845 506,945 do

Of Staves there were shipped in

1845 6,118,500
1844 5,000,000
1843 4,600,000

While the quantity of each description shipped from Montreal was merely nominal. If the hon. member from Quebec desired it he would go on to Deals.[44]

MR. AYLWIN said he might go on to deal with something else.[45]

MR. INSP. GEN. CAYLEY ((continued:)) He therefore contended that

expenditure,had been larger than the sums which were at first anticipated, yet that all those great public works would ultimately prove of the highest advantage to the colony.[46]

MR. MERRITT enquired of the Inspector Gene((ral)) what was the whole amount of the public debt of Canada?[47]

MR. INSP. GEN. CAYLEY - He could not state the exact amount, but it would be found in the accounts laid before the House.[48]

MR. MERRITT wished to know the amount of the deduction of the Civil List that would be made in the proposed bill of the Ministry? He (Mr. M.) considered they could not enter upon the discussion of the supplies unless the whole financial affairs of the Province were laid before them.[49]

MR. INSP. GEN. CAYLEY stated that the Civil List would be laid before the House in a few days.[50]

MR. AYLWIN said, this was not the proper time for discussion, nor was it his intention to go into the subject.[51] The Inspector General had adopted the proper course in giving them, in the early part of the session, an exposé of the affairs of the Province, and of the intentions of the administration.[52] He was much pleased with the manner in which the Inspector General's statement had been made, it was most satisfactory, and the statement of affairs of the Province most lucid--(cheers.)[53] (Hear.) Yes, he was satisfied with the manner, but[54] the matter was another thing, and upon the proper occasion[55] with the matter of these statements he must express his decided dissatisfaction. He did not intend to enter upon the discussion of them this evening, as he thought it would be profitless and fruitless. He (Mr. A.) was not now able to offer his objections to the statements and arguments of the Inspector General, nor to animadvert on the proceedings of the Government during the past year. He (Mr. A.) complained of the manner in which the administration had acted with respect to the sinking fund, and of their plunging the country into a large debt. He (Mr. A.) wished further time to be given him to verify the calculations of the Inspector Genera.[56]

MR. ROBINSON considered that the schemes of the Government ought to be as extensively made known as possible, to give an opportunity to those interested, to make known their views to the House. He (Mr. R.) was opposed to the reduction of the duty on leather, for many individuals in Upper Canada were now making extensive preperations (sic) to build Tanneries, and their exertions would be paralysed if the present duty was reduced. When he (Mr.R.) was Inspector General; an office which is much more worthily filled by its present occupant - of all articles of commerce, he found leather to be the toughest. He (Mr.R.) had heard no complaints against the duties imposed last year - and he was opposed to these frequent changes.[57]

MR. INSP. GEN. CAYLEY in answer to an enquiry of Mr. Moffatt,[58] stated that he would lay before the House, as full a statement as he

could, of the imports and exports of the Province since the Union. The returns, for the first year or two, in consequence of many articles, which paid a duty of five per cent ad valorem not being particularized, were not so complete as could be desired.[59]

(58)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Colville reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday, the fourteenth instant.

Then on motion of the Honourable Mr. Attorney General Smith, seconded by Mr. Gowan,

The House adjourned until Monday next.

APPENDIX, 3 APRIL 1846.

((QUESTION AND ANSWER RE: DISPOSITION OF CLERGY RESERVES.))[60]

MR. BOULTON asked whether it was the intention of Ministers to make any new arrangement relative to the disposition of the Clergy Reserves.[61]

MR. AT. GEN. DRAPER said that it did not lay (sic) with the Provincial Legislature to make any alteration in this matter[62]. As the Clergy Reserves had been set apart by an imperial statute ((which)) had already provided the manner of their disposal, no measure of this Colonial Legislature could at all affect them.... He said that the regulations for that purpose were made by Her Majesty in council.[63] The Administration had done all it had the power to do - it had suggested to the consideration of Her Majesty in Council, the expediency of making some modifications in the original system[64]. It was not the intention, however, of the ministry to do any thing serious in reference to them.[65] When the Committee, to whom the petitions for these changes were referred, reported, he would put the hon. gentleman in possession of further information upon the subject. In the meantime he might rest assured that it was the desire of himself and colleagues, in any action they took upon this matter, to carry into effect the wishes of the House and country thereon.[66]

((QUESTION AND ANSWER RE: PURCHASE OF DORCHESTER BRIDGE.))[67]

M. CHAUVEAU demanda à l'administration si c'était son intention d'acheter le pont Dorchester[68].

MR. AT. GEN. SMITH, stated that the subject was under consideration.[69] M. Smith dit qu'il pourrait lundi donner une réponse sur ce sujet.[70]

((QUESTION AND ANSWER RE: PROSPECTIVE JUDICIAL DISTRICT FOR OTTAWA COUNTRY.))[71]

MR. DRUMMOND asked if it were intended to form a seperate (sic) District for judicial purposes of the country up the Ottawa.[72]

MR. AT. GEN. SMITH, said that the subject was under consideration and would be embodied in the resolutions which he intended to lay on the table in a few day.[73]

((QUESTION AND ANSWER RE: JACQUES CARTIER BRIDGE.))[74]

MR. DRUMMOND, asked what had been done with the money granted for the Jacques Cartier bridge.[75]

MR. AT. GEN. SMITH stated that the answer to that question would be found in the report of the Board of Works which would be laid on the table in a few day. The answer to the next question would also be

found in that report.[76]

QUESTION AND ANSWER RE: MONTREAL COURT HOUSE.))[77]

MR. DRUMMOND ((asked a question.))[78]

MR. AT. GEN. SMITH, in answer to Mr. Drummond, said that a Bankrupt Bill was in course of preparation, and would be laid upon the table in a few days. That it was the intention of the Government to provide for the erection of the Montreal Court House[79]. A few days would develope (sic) the intentions of the Ministry on that subject, and in the meantime[80] immediate steps for the preservation of the National Records now deposited in the vaults of the old gaol ((would be taken.))[81]

((QUESTION AND ANSWER RE: ERECTION OF BOUT DE L'ISLE BRIDGE.))[82]

MR. DEWITT made an enquiry of the ministry in reference to the disposal of the money for the erection of a bridge at Bout de L'Isle. He said that the money for that purpose had been voted nearly four years ago, and at this moment the carrier of Her Majesty's mail could not without great difficulty and danger cross over.[83]

MR. AT. GEN. SMITH, said that this subject would be answered in the report of the Board of Works.[84]

((QUESTION AND ANSWER RE: ERECTION OF RIVIERE DU CHENE BRIDGE.))[85]

MR. LAURIN made an enquiry of the ministry in reference to the expenditure of money on the erection of a bridge on Rivière du Chene.[86]

MR. AT. GEN. SMITH stated that an answer to this would be found in the report of the Board of Works, when laid on the table.[87]

((QUESTION AND ANSWER RE: LOWER CANADA JURORS.))[88]

MR. LAFONTAINE made an enquiry of the ministry respecting Jurors in Lower Canada.[89]

MR. PRES. EX. COUN. VIGER said the subject was under consideration.[90]

((QUESTION AND ANSWER RE: AMENDMENT OF JUDICATURE SYSTEM IN UPPER CANADA.))[91]

MR. BALDWIN asked if it were the intention of the Ministry to introduce a measure to amend the system of Judicature in Upper Canada.[92]

MR. AT. GEN. DRAPER ... said that he was not prepared at present to introduce any measure for the amendment of the Judicature system of Upper Canada.[93] Last session a Committee of which the hon. member for the Fourth Riding of York was himself one, made extensive enquir-

ies on the subject referred to[94]. The government was in possession of the answers returned to the interrogatories addressed to the profession in Upper Canada, and time was required for collating and considering them.[95] He (the Att. Gen.) was not prepared to act upon any one; the utmost he found himself able to do was to arrange and methodize them for future consideration. It was known that the Judiciary of Upper Canada consisted of a Court of Queen's Bench, in which presided a Chief Justice and four puisne Judges, and a Court of Chancery. A variety of propositions were made to the Committee, and two or three leading defects pointed out one of the defects was the want of a Court of Appeals. - With regard to the Court of Chancery, there was no necessity for a new Court of Appeal from that, the only Appellant Court wanted was from the common law decisions. At present the only Appeal from Courts of common law was to the Executive Council direct, upon such occasions of appeal, the Chief Justice assisted. While he (the Att. Gen.) admitted the want of an Appellant tribunal it would be unjust in him if he did ... not, at the same time, state that during his experience, and it was not inconsiderable, he was not aware of more than four of five cases in which appeal was desired; he would not, however, say that if there were an Appellant Court more appeals would not be contemplated; but from the nature of the Jurisprudence of Upper Canada, he was of opinion that under any circumstance appeals from the common law Courts would be very rare compared with those from the Court of Chancery. One of the remedial suggestions offered was the erection of a second law Court with concurrent jurisdiction. With regard to this he thought he would pause sometime before adopting it. Another plan was to add two Judges to the Court of Chancery and then forming a Court of Appeal to be composed from Judges of all these Courts - and a third was to divide Upper Canada into two Districts, and to erect a new Court for what would then be the Eastern District, these Courts to have a concurrent jurisdiction and power of appeal from one to the other as in the Lower Province. If there were any delay in getting through the business of the present Courts there would be some shew of reason for these demands, but there was no such difficulty. When last in Toronto he (the Att. Gen.) took occasion to meet the Chief Justice and the four puisne Judges upon this subject, and he was informed by them that of the business then before the Court there would not be four cases in which judgment would not be pronounced; and he (the At . Gen.) would undertake to affirm that in any case where delay occurred it was not from an accumulation of business but from its being of such a nature as to render the Judges desirous of giving it more enlarged consideration. Such then being the case, and there being no arrear of business to be charged against the present Court, he (the Att. Gen.) was[96] as yet ... not prepared to do the question that justice its high importance demanded[97], ((and)) to recommend any new plan.[98]

FOOTNOTES - 3 APRIL 1846.

1. The following was reported in MONTREAL GAZETTE, 6 April 1846, and COBOURG STAR, 15 April 1846, in identical accounts.
2. MONTREAL GAZETTE, 6 April 1846.
3. The debate on this motion was reported by: MIRROR, 3 April 1846, and PILOT, 4, 7 April 1846, in identical accounts.
4. MIRROR, 3 April 1846. The two paragraphs of this speech are found in different columns of the MIRROR, and in different issues of the PILOT, 4, 7 April 1846.
5. The debate on this motion was reported by: MIRROR, 3 April 1846, and PILOT, 4, 7 April 1846, in identical accounts.
6. MIRROR, 3 April 1846.
7. The debate on this motion was reported by: MIRROR, 3 April 1846, PILOT, 4, 7 April 1846, and BROCKVILLE RECORDER, 16 April 1846, in accounts which are identical except that in the BROCKVILLE RECORDER some speeches have been omitted entirely; and MONTREAL GAZETTE, 6 April 1846, and COBOURG STAR, 15 April 1846, in identical accounts. A commentary is contained in EXAMINER, 8 April 1846.
8. MIRROR, 3 April 1846. The first and second paragraphs of this speech are found in different columns of the MIRROR and in different issues of PILOT, 4, 7 April 1846. MONTREAL GAZETTE, 6 April 1846, referred to Robinson's remarks as "stringent."
9. MONTREAL GAZETTE, 6 April 1846.
10. MIRROR, 3 April 1846.
11. MONTREAL GAZETTE, 6 April 1846.
12. MIRROR, 3 April 1846.
13. IBID. In all the sources consulted for this debate, there is no record of Gowan's speech.
14. MIRROR, 3 April 1846.
15. There is a commentary on this in L'AURORE, 8 April 1846.
16. The debate on this motion was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
17. MIRROR, 3 April 1846.
18. The debate on this motion was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
19. MIRROR, 3 April 1846.
20. IBID.
21. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
22. MIRROR, 3 April 1846.
23. IBID.
24. IBID.
25. IBID.
26. IBID. The MIRROR presented a different account from that in the JOURNALS. It reported: "After some conversation it was agreed, that the bill should be read a second time on Tuesday, and that the House should go into committee of the whole and report on Thursday next." All the internal evidence indicates that the MIRROR's version was the

correct one.

27. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.

28. MIRROR, 3 April 1846.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. IBID.

35. The debate on this matter was reported by: PILOT, 4 April 1846, whose account was copied by BROCKVILLE RECORDER, 9 April 1846; and MIRROR, 3 April 1846, PILOT, 7 April 1846, MONTREAL GAZETTE, 6 April 1846, BRITISH COLONIST, 10 April 1846, BROCKVILLE RECORDER, 16 April 1846, LE JOURNAL DE QUEBEC, 9, 16 April 1846, and LE CANADIEN, 6 April 1846, in accounts identical in most respects except that the reports of the MIRROR and the PILOT contain more speeches and are given in more detail than those in the other papers. The debate was also reported in KINGSTON NEWS, 9 April 1846, which copied MONTREAL HERALD, and COBOURG STAR, 15 April 1846, in accounts identical to each other, and in some respects identical to MIRROR, 3 April 1846, and PILOT, 7 April 1846, and in some ways completely dissimilar. The PILOT, 7 April 1846, acknowledged the MONTREAL HERALD as its source for Cayley's speech. This debate was also reported in identical accounts in the COBOURG STAR, 8 April 1846, BROCKVILLE RECORDER, 9 April 1846, ST. CATHARINES JOURNAL, 16 April 1846, and CHATHAM GLEANER, 14 April 1846, acknowledging the MONTREAL TRANSCRIPT as their source. Commentaries are contained in: PILOT, 4 April 1846, whose account was copied by BROCKVILLE RECORDER, 9 April 1846; LE JOURNAL DE QUEBEC, 4, 7 April 1846; and EXAMINER, 15 April 1846. LE JOURNAL DE QUEBEC, 4 April 1846, commented: "M. Cayley, au lieu de proposer que la chambre se résolve en comtié général sur les subsides, comme il en avait donné avis, a changé la nature de sa proposition, et il proposera de résoudre, vendredi, que la chambre se forme en comité général pour prendre en considération le discours de Son Excellence. La différence ne se trouve toujours que dans la forme, car il s'agit toujours de la liste civile."

36. COBOURG STAR, 8 April 1846, quoted from MONTREAL HERALD's comments on Cayley's speech: "'As a maiden speech, it is entitled to great praise, lucid in its arrangement, forcible in expression, and carrying the conviction along with it of its perfect honesty, by the candour and absence of reserve which were throughout conspicuous in it, and in the manner of the speaker.'"

37. MIRROR, 3 April 1846.

38. IBID.

39. IBID.

40. IBID.

41. IBID. The PILOT, 4 April 1846, commented: "Mr. Viger sat smiling at ... ((this)) announcement, while the Lower Canada members met it with the deepest indignation."

42. MIRROR, 3 April 1846.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. MONTREAL GAZETTE, 6 April 1846.
52. MIRROR, 3 April 1846.
53. KINGSTON NEWS, 9 April 1846.
54. MIRROR, 3 April 1846.
55. MONTREAL GAZETTE, 6 April 1846
56. MIRROR, 3 April 1846.
57. IBID.
58. IBID. There is no record in the sources consulted for a reference to Moffatt's question.
59. MIRROR, 3 April 1846.
60. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts; and MONTREAL GAZETTE, 6 April 1846, COBOURG STAR, 15 April 1846, and CHATHAM GLEANER, 14 April 1846, in identical accounts.
61. MONTREAL GAZETTE, 6 April 1846.
62. IBID.
63. MIRROR, 3 April 1846.
64. MONTREAL GAZETTE, 6 April 1846.
65. MIRROR, 3 April 1846.
66. MONTREAL GAZETTE, 6 April 1846.
67. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 7 April 1846; and MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
68. LE JOURNAL DE QUEBEC, 7 April 1846.
69. MIRROR, 3 April 1846.
70. LE JOURNAL DE QUEBEC, 7 April 1846.
71. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
72. MIRROR, 3 April 1846.
73. IBID.
74. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1846; LE JOURNAL DE QUEBEC, 7 April 1846; and MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
75. MIRROR, 3 April 1846.
76. IBID.
77. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1846, and COBOURG STAR, 15 April 1846, in identical accounts; LE JOURNAL DE QUEBEC, 7 April 1846; and MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
78. MONTREAL GAZETTE, 6 April 1846.
79. IBID.

80. MIRROR, 3 April 1846.
81. MONTREAL GAZETTE, 6 April 1846.
82. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
83. MIRROR, 3 April 1846.
84. IBID.
85. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
86. MIRROR, 3 April 1846.
87. IBID.
88. The debate on this matter was reported by: MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
89. MIRROR, 3 April 1846.
90. IBID.
91. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1846, and COBOURG STAR, 15 April 1846, in identical accounts; and MIRROR, 3 April 1846, and PILOT, 7 April 1846, in identical accounts.
92. MIRROR, 3 April 1846.
93. MONTREAL GAZETTE, 6 April 1846.
94. MIRROR, 3 April 1846.
95. MONTREAL GAZETTE, 6 April 1846.
96. MIRROR, 3 April 1846.
97. MONTREAL GAZETTE, 6 April 1846.
98. MIRROR, 3 April 1846.

(58)

Municipal Districts, L. C.

MR. SPEAKER laid before the House Returns of the Debts and Liabilities of the Councils of the late Municipal Districts in Lower Canada, furnished in conformity with the requirements of the Act 8 Vict. cap. 77.

(For the said Returns, see Appendix K.)

Also,

Bonds and Securities.

The Registrars' Report of Bonds and Securities in compliance with the Provincial Act 4 and 5 Vic. ch. 91. sec. 15.

(For the said Report, see Appendix L.)

And also,

Montreal Turnpike Roads.

Accounts of the Trustees of the Montreal Turnpike Roads from 1st January to 31st December, 1845.

(For the said Accounts, see Appendix M.)

Petitions laid on the table.

The following Petitions were severally brought up and laid on the table:--

By Mr. Chalmers,--The Petition of Francis Small and others, of the County of Halton; and the Petition of George S. Alton and others, of the Township of Nelson, in the District of Gore.

By Mr. Lacoste,--The Petition of P. Besse and others, of the Parish of Chambly, in the County of Chambly.

By Mr. Stewart of Bytown,--The Petition of Donald Mathison and others, of the Congregation of Richmond, belonging to the Presbyterian Church of Canada, in connexion with the Church of Scotland.

By Mr. Meyers,--The Petition of Patrick Wallace and others, of Cobourg.

By Mr. Leslie,--The Petition of the Honourable Gabriel Roy and others, of La Côte St. Laurent, in the Parish of St. Laurent.

By Mr. Cummings,--The Petition of James Kerby and others, of the Township of Bertie, in the District of Niagara; the Petition of Thomas O. Parry and others, of the Township of Gainsboro', in the District of Niagara; the Petition of Samuel Birdsall, Esquire, and others, of the Township of Canboro', in the District of Niagara; and the Petition of Ozias Buckner and others, of the Township of Crowland, in the District of Niagara.

By Mr. Petrie,--The Petition of William Edwards and others, inhabitants of the Township of Clarence, in the Ottawa District.

By Mr. Hale,--The Petition of J. Taylor, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Thompson,--The Petition of Colvin Gates and others, of the Townships of Walpole and Rainham, in the District of Talbot.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of Thomas Gibbs Ridout, Esquire, and others, members of the Toronto Mechanics Institute.

By the Honourable Mr. Moffatt,--The Petition of John Borrowdale and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and the Petition of E. P. Wilgress and others, Protestant inhabitants of the Parish of St. Michael's.

By Mr. Daly,--The Petition of John S. Moriarty, Esquire, and others, [illegible], and parts adjacent, in the County of Gaspé; and the Petition of Benjamin Coffin and others, inhabitants of Gaspé.

By Mr. Smith of Frontenac,--The Petition of D. D. Calvin and others, inhabitants of the Township of Wolfe Island.

By Mr. Brooks,--The Petition of Thomas Steel and others, of the Townships of Shipton and Melbourne, and in the vicinity, in the County of Sherbrooke; the Petition of the Reverend P. H. Harkin and others, inhabitants of the District of St. Francis; and the Petition of Thomas C. Allis and others, inhabitants of the Township of Shipton, in the District of St. Francis.

By Mr. Merritt,--The Petition of Samuel Wood and others, Agri[illegible]; the Petition of James H. Comins of St. Catherines, in Upper Canada; and the Petition of the Reverend A. F. Atkinson and others, members of the United Church of England and Ireland, in the Township of Grantham, in the District of Niagara, in the Diocese of Toronto.

By the Honourable Mr. Baldwin,--The Petition of Charles H. Cody and others, of the Township of Dereham, in the District of Brock; the Petition of [illegible] and others, members of the United Church of England and Ireland, in the Townships of Uxbridge and Brock; the Petition of David Rintoul and others, of the Township of Beverley, in the District of Gore; the Petition of S. Vining and others, of the Township of Nissouri, in the District of Brock; the Petition of Thomas [illegible] and others, of the Township of Zorra East, in the District of [illegible]; the Petition of Moses Young and others, of the Township of Dumfries, in the County of Halton; the Petition of A. Burtch and others, of the Township of Oxford East, in the District of Brock; the Petition of Jeremiah Cowan and others, of the Township of Blenheim, in the [illegible]; the Petition of John Maddock and others, of the Township of Inwinch; and the Petition of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London.

By the Honourable Mr. Aylwin,--The Petition of Murdoch M'Kenzie, of Quebec; and the Petition of the Reverend Francis J. Lundy, Professor of Classical Literature in McGill College.

By Mr. Gowan,--The Petition of John Francis Rogers, of the Town of [illegible], in the District of Brock; the Petition of Richard D. Fraser, Esquire, of Edwardsburgh, in the District of Johnstown; the

(59)

Petition of Joel D. Parmenter and others, of Gananoque, Leeds, and

Lansdowne; the Petition of Gersham Cutlin and others, members of the United Church of England and Ireland, in the Township of Lansdowne, in the Diocese of Toronto; the Petition of William Graham and others, members of the United Church of England and Ireland, in the Township of Escott, in the District of Johnstown, in the Diocese of Toronto; and the Petition of George Hornick and others, members of the United Church of England and Ireland, in the Township of Kitley in the Diocese of Toronto.

By Mr. Méthot,--The Petition of Luc Michel Cressé, Esquire, of the Parish of St. Jean Baptiste de Nicolet.

By the Honourable Mr. Morin,--The Petition of Louise Armand dite Flamme, of the Parish of Longueuil; and the Petition of Paschal Lachapelle and others, inhabitants of the Municipality of Hochelaga, in the Parish of Montreal.

By Mr. Prince,--The Petition of John Burwell, of Port Burwell, Esquire.

By Mr. Woods,--The Petition of John G. Weir and others, of Kent, in the Western District; and the Petition of James Taylor, of the Town of Chatham.

By Mr. Watts,--The Petition of Christopher Lyster and others, inhabitants of Kingsey and other Townships; the Petition of Lieutenant Colonel Cox and others, inhabitants of Windsor and other Townships; and the Petition of Jean Louis Ployart, Esquire, of the Township of Durham, in the County of Drummond.

By Mr. Chabot,--The Petition of the Reverend P. M. Mignault and others, of the Parishes of St. Joseph of Chambly and Longueuil.

By the Honourable Mr. DeBleury,--The Petition of N. B. Desmarteau and others, of Montreal.

By Mr. Macdonald of Kingston,--The Petition of G. H. Ryland, Esquire, Registrar of Montreal.

By Mr. Boulton,--The Petition of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Town of Dundas, and Township of West Gwillimsbury, in the Diocese of Toronto; the Petition of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Village and Township of Ancaster, in the Diocese of Toronto; the Petition of George T. Grange, Esquire, Sheriff, and others, of the District of Wellington; and the Petition of Thomas Sanders, Esquire, and others, of the District of Wellington.

By Mr. Ermatinger,--The Petition of John Burwell, Esquire, of Port Burwell (relating to a contemplated Railroad.)

By the Honourable Mr. Papineau,--The Petition of John Parson and others, members of the Municipal Council of the Townships of Buckingham and Portland, on the Ottawa.

By Mr. Chauveau,--The Petition of Henry Joseph Jameson, of the City of Quebec, Brewer.

Bill to facilitate the conveyance of Real Property, (U. C.)

An Engrossed Bill to facilitate the Conveyance of Real Property in Upper Canada, was read for the third time.

Mr. Macdonald of Kingston, moved, seconded by

Mr. Meyers, That the following Engrossed Ryder be added to the said Bill, at the end of the Schedules, and do make part thereof.

Ryder.

9. And the said A. B., Wife of the said (Grantor,) hereby bars her dower in the said lands.

9. And the said (A. B.) Wife of the said (Grantor), for and in consideration of the sum of ____ Pounds, of the lawful money of Canada, to her in hand paid by the said (Grantee), at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, and released, and by these presents doth grant and release unto the said (Grantee) his heirs and assigns, all her dower, and right, and title, which, in the event of surviving her said husband, she might or would have to dower, in, to, or out of the lands and premises hereby conveyed or intended so to be.

The said Ryder being thrice read, and the question of concurrence being put thereon, it was agreed to by the House.

Resolved, That the Bill do pass, and the title be, "An Act to facilitate the conveyance of Real Property."

Ordered, That the Honourable Mr. Attorney General Draper do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of Israel Rice, of the Township of Ham, in the District of St. [illegible], praying to be indemnified for services rendered to the public.

Of the President and Directors of the City of Toronto and Lake Huron Railroad Company; praying for certain amendments to their Act of Incorporation, and to be authorized to increase their Capital.

Of Gabriel Marchand, Esquire, President, and others, the Officers and Members of the Committee of the Agricultural Society of the County of Chambly; praying for certain amendments to the Agricultural Act of last Session.

Of Joseph Hudon, President, and J. B. Martin, Treasurer, of the Municipality of St. Paschal; praying that the section of the 8th Vict., Chap. 40, authorizing Municipal Councils to impose a tax on merchants, may be modified.

Of François Nadeau, of the City of Quebec; praying that he may be provided with the means of putting into operation an invention which he has made to erect Batteries for Cannon.

Of John M. Quimby and others, of a part of the Township of Stanstead; praying for a reduction in the price of their lands, or that they may be relieved from the payment of back rents and interest.

Of Osgood Peasley and others, of the Township of Bolton; praying that no division of the said Township may be made, except on certain conditions.

Of John Macara, of the City of Toronto; praying that the Courts of Law and Equity in Upper Canada may be enabled to admit him to practice as an Attorney and Solicitor in Upper Canada.

Of the Reverend G. B. Fuller and others, members of the United Church of England and Ireland, in the Parish of Thorold, in the Diocese of Toronto; of Thomas Fidler and others, members of the United Church of England and Ireland, in the Townships of Fenelon and Verulam, in the Diocese of Toronto; of the Reverend Frederick Fanquier and others, members of the United Church of England and Ireland, in the Township of Zorra, in the District of Brock, in the Diocese of Toronto; of D. K. Servos, Esquire, and others, of the Townships of Saltfleet and Binbrook, in the District of Gore, in the Diocese of Toronto; of the Reverend Edward Denroche and others, members of the United Church of England and Ireland, in the Mission of Brockville; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Right Reverend the Lord Bishop of Montreal and others, members of the United Church of England and Ireland in the Diocese of Quebec; of the Reverend Samuel S. Wood, A.M., and others, members of the United Church of England and Ireland in the Diocese of Quebec; of the Reverend C. B. Flemming and others, members of the United Church of England and Ireland, in the Diocese of Quebec; of Thomas Molson, Esquire, and others, members of the United Church of England and Ireland

(60)

in the Diocese of Quebec; of the Reverend William Bond and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of the Reverend W. Chadderton and others, members of the United Church of England and Ireland, attending the Chapel of St. Peter's, in the City and Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Joseph Chaurette and others, of the Parish of Ste. Geneviève, in the County of Montreal; complaining of the taxes authorized by the 8th Victoria, cap. 41, for the purposes of Education, and praying relief.

Of Edward M'Naughton and others, of the Parishes of Ste. Anne, Ste. Geneviève, and Pointe Claire; exposing certain disadvantages which would arise from the making of a road through the said Parishes, along the banks of the River St. Lawrence, and the great benefits of an inland road, and praying the serious consideration and the impartial decision of the House thereon.

Of Robert Jarvis Hamilton, Esquire, and others, inhabitants of the Town of Hamilton, and of the Township of Barton, in the District of Gore; praying that a certain concession line in the said Township be granted to Robert Jarvis Hamilton, Esquire.

Of Pierre Bellivau, Esquire, and others, members of the Municipal Council and inhabitants of Grand River, in the County of Gaspé; praying for aid to construct a Bridge over the Grand River.

Of D. E. Boulton, Esquire, and others; praying to be incorporated

as a Joint Stock Company for the purpose of constructing a Turnpike Road from Cobourg to Port Hope.

Of Benjamin Clarke and others, manufacturers of lumber, residing on the St. Lawrence Section in the Province of Canada; praying that the salary of the Supervisor of Cullers may be increased.

Of Henry Ruttan, Esquire, on behalf of a Public Meeting of the Inhabitants of the District of Newcastle; praying that the project of a Railroad from Quebec Westward may receive the sanction of the Legislature.

Of William M'Dougall and others, of the Township of Hamilton, in the District of Newcastle; praying that the Act 4 and 5 Vict. cap. 10, may be so amended as to enable the inhabitants of the said Township to elect their Township officers, independently of those residing in the Town of Cobourg, situated in the said Township.

Of Joseph Hamel, Esquire, and others, of the City of Quebec; offering certain suggestions with respect to an aid to be granted them for their losses in the late great fires, and praying for their adoption by this House.[1]

Of the Honourable Henry Black and others, inhabitants of the City of Quebec and the Parishes of St. Ambroise and other Parishes; praying for an Act to authorize the Quebec Turnpike Road Trustees to Macadamize "L'Ornière Road" as far as St. Ambroise.

Of the Honourable Peter M'Gill and others, of the City of Montreal; praying to be incorporated for the purpose of exploring and working Copper and other Mines in this Province.

Of the President, Directors, and Company of the Commercial Bank of the Midland District; praying for certain amendments to their Act of Incorporation.

Of the Municipal Council of Hochelaga; praying for the establishment of distinct Municipalities for the several concessions or côtes in the Parish of Montreal.

Of W. B. Jarvis, Esquire, and others, inhabitants of the City of Toronto; praying for the passing of an Act to authorize the formation and establishment of "Building Societies" throughout the Province, under the provisions of the Act incorporating "the Montreal Building Society."

Of James Wallace, of the Parish of St. Germain de Rimouski, formerly Light House Keeper, at Pointe des Monts; praying for a Pension for his services as such, being afflicted with Rheumatism contracted in the discharge of his duties.

Of John Paterson, and others, of the Township of West Flamborough, in the District of Gore; praying that no partition be made of the Endowment of King's College, and that the said Endowment be protected from mismanagement.

Of John Lesslie, and others, inhabitants of the Township of West Flamborough, in the District of Gore; praying that the Clergy Reserve Lands be not divided amongst the Religious Sects of the Province, but that the proceeds of the same may be appropriated to the promotion of General Education.

Of George Shaw, of the City of Montreal; praying that he may re-

ceive the reward guaranteed to his father, the late Captain Shaw, for his military services.

Of Jacques Blais and others, batteaux-men, residing in the City of Quebec; praying for a Repeal of Clause XLV. of the Act 7 Vict. relating to the Corporation of Trinity House, Quebec.

Of the Mayor and Councillors of the City of Quebec; praying for the passing of an Act or Acts to enable them to Light the said City with Gas, and to supply it and the parts adjacent with water.

Of the Mayor and Councillors of the City of Quebec; praying that a certain space of ground and beach in the said City may be vested in them, for the purposes of the Corporation of Quebec; that they be authorized to borrow such sums of money as may be deemed necessary for the improvement of the said space; and that their jurisdiction be extended to both sides of the River St. Charles.

Of the Reverend William Bell, Moderator, on behalf of the Synod of the Presbyterian Church in Canada, in connexion with the Church of Scotland; praying that they may have an equitable amount of influence in the management of the University of King's College, and that Queen's College may be incorporated with the said University as a Theological College merely.

Of A. F. Holmes, M.D., and others, the Medical Faculty of McGill College; praying for an aid in support of the said institution.

Of William Wickes, A.M., and of Edward Chapman, B.A., of the City of Montreal; complaining that in consequence of certain proceedings of the Governors of McGill College, they have not received their Salaries as Professors thereof for a certain time, and praying relief.

Of the Honourable Francis Hincks, President, and others, members of the St. Patrick's Society of Montreal; praying for an Act of Incorporation.

Of Jacob L. Vanzandt and Juliet Vanzandt, of the City of Albany, in the United States of America; praying for an Act to enable His Excellency, notwithstanding the Act of 4th and 5th Victoria, chap. 100, to grant Letters of Preference to the Petitioners to prosecute the rights of the Crown in respect to lands escheated by the death of the Honourable Richard Duncan without heirs.

Of John M'Bride and others, of Upper Canada; praying that the Act incorporating the Niagara and Detroit Rivers Railroad Company, may be extended two years.

Of Josiah Classon, of the City of Montreal; praying to be indemnified for certain losses sustained by him as a Government Contractor, during the late war with the United States.

(61)

Of the Municipal Council of the District of Niagara; praying for a repeal of Sec. 15, Cap. 20, 8 Vict., which gives to two Magistrates of the division, power to open road allowances.

Of the Municipal Council of the District of Niagara; praying that the form of Collector's Bonds may be left to the decision of the Municipal Councils.

Of John Charlton Fisher, Esquire, L. L. D., President of the St.

George's Society, of the City of Quebec; praying for an Act of Incorporation.

Of Mrs. Eleanor Teed, of the City of Quebec, Widow of the late John Teed; praying that justice may be done to the memory of her late husband and to his Widow and Orphans, by an inquiry into the causes and circumstances of his illegal imprisonment in the year 1837.

Of J. C. Fisher, Esquire, L.L.D., President of the Literary and Historical Society of Quebec; praying for an aid to procure manuscript documents of the History of Canada.[2]

Of the Reverend Andrew Balfour, of Waterloo, in the District of Shefford; praying for aid in support of a Grammar School of which he is master.

Of Anthony Leslie, Esquire, Inspector of Licenses, in the District of Bathurst; praying for the passing of an Act to indemnify him for having voted at the last Election for the County of Lanark, in ignorance of the Law.

Of P. P. Demaray, Esquire, Warden, and Pierre Gamelin, Esquire, Secretary of the Municipal Council of the Parish of St. John's, Dorchester; praying the consideration of the House on certain resolutions adopted by the said Council, with respect to an extension of the powers granted to Municipal Councils.

Of the Reverend Antoine Parant, Superior of the Seminary of Quebec, and others, Inhabitants of "La Côte de Beaupré", in the County of Montmorency; praying that the Bridge over the Montmorency River, be purchased by the Province, and that the roads in that County be placed under the control of the Turnpike Trustees.

Of Charles Cazeau and others, of Quebec; praying for amendments to the Lumber Act.

Of the Bank of Upper Canada; praying for a repeal or reduction of the tax now imposed upon the circulating paper of the Banks of this Province.

Of H. Burwell and others, of the Town and District of London; praying for an Act to authorize the formation and establishment of Building Societies throughout the Province, under the provisions of the Act incorporating the Montreal Building Society.

Of William Workman and others, of the City of Montreal; praying that the votes at the Municipal Elections of the said City may be taken by ballot.

Of H. P. Paré and others, School Teachers of the District of Montreal; praying for a Board of Examiners and other provisions.

Of J. T. Brondgeest, Esquire, and others, of Hochelaga; praying that the Turnpike Gate now situated at the entrance of the said Village, may be removed one mile further north.

Of George Ball and others, inhabitants of Niagara and other Townships, in the District of Niagara; praying that the Queenston and Grimsby Road be improved according to the first intention of the Board of Works, and not made to pass through the Village of Jordon, as petitioned for.

Of William Charles Hume, Esquire, and others, inhabitants of the

Township of Orillia; praying for aid to improve the line of road from the Town of Orillia to the Town of Barrie and the Toronto Road.

Of W. G. Blanchard, Esquire, and others, of the County of Two Mountains; praying for the passing of an Act to restore the Circuit Court to the Village of St. Andrews.

Of the Very Reverend T. Cooke and others, the Managing Committee of the Christian School of the Town and Parish of Three Rivers; praying that further aid be granted them.

Of Charles Hubert Lassiseraye, Teacher of the late Society of Education of the Town of Three Rivers; praying that the sum of £200 Currency be allowed him for certain arrears of salary due to him in the foregoing capacity.

Of James B. J. Hilton and others, inhabitants of the Township of Grantham, in the County of Lincoln; praying that a duty of 15 per cent. be imposed on Corn Brooms and on Manufactured Broom Corn imported into this Province from the United States.

Of George Silver and others, inhabitants of the Township of Clinton, in the District of Niagara; praying that no partition be made of the endowment of the University of King's College, and that measures be adopted for securing the said endowment from mismanagement.

Of Absalom Haines and others, inhabitants of the Township of Louth, in the District of Niagara; praying that no partition be made of the endowment of the University of King's College, and that measures be adopted to secure the said endowment from mismanagement.

Of the Municipal Council of the District of Niagara; praying that property may be rated and assessed according to the actual value of the same in Upper Canada.

Of Charles Hill, of the Township of Bertie, in the District of Niagara; praying that the 28th Clause of the Land Act may be repealed, or so amended as to enable him to obtain indemnification for the loss of certain land in the Township of Rainham.

Of James Sill and others, of the Township of Walpole, in the District of Talbot; praying that the Township line between Walpole and Woodhouse may be established according to their Patents.

Of John De Cow, senior; and others, of the County of Haldimand; praying that no partition be made of the endowment of the University of King's College, and that measures may be adopted to secure the said endowment from mismanagement.

Of Ronald M'Kinnon and others, of the Townships of Seneca and Oneida, in the District of Gore; praying that the endowment of the University of King's College be not divided, and that the wasteful expenditure of its funds be prevented.

Of Edouard Boudreau, of the Parish of Baie St. Paul, in the County of Saguenay, Physician; praying for the exclusive privilege of vaccinating in that county.

Of David Trudel and others, of the County of Champlain; praying for an aid to erect a Bridge over the River Champlain, in the said County.

Of Jean Baptiste Le Bel, Esquire, and others, of the Village of

"La Misère," and of the Parish of St. Ambroise, Jeune Lorette; praying that the Roads in those Parishes be placed under the controul of the Turnpike Trustees.

Of John Dillon and others, of the Parish of Longue Pointe and its vicinity; praying for the removal of the present Trustees of the Toll Road leading to the City of Montreal, and for the appointment of others in their stead.

Of Frederic Fraser Carruthers, Esquire, of the City of Toronto; praying for the passing of an Act to authorize the Courts of Queen's Bench and Chancery respectively, to admit him to practice as an Attorney and Solicitor therein.

Of James Blackburn, Esquire, and others, Freeholders of the Townships of Hull and Eardley, in the County of Ottawa; praying for aid to Macadamize or Plank the Road leading from the "Union Bridge" to Aylmer.

(62)

Of the Mayor and Councillors of the City of Quebec; praying that the Act incorporating the said City may be so amended, as to provide for the Election of Assessors under certain circumstances.

Of William Ritchie, Esquire, and others, the Trustees of the Sherbrooke Academy; praying for the usual annual aid in support of the said institution.

Of R. N. Hall and the Reverend William King and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that the Church Society of the Diocese of Quebec may have the controul of that portion of the Clergy Reserves belonging to the Church of England which may be in the said Diocese.

Of the Montreal Board of Trade; praying for certain amendments to the Bankrupt Law.

Of the Montreal Board of Trade; praying for a certain amendment to the Usury Laws of this Province.

Of W. B. Simpson and others, Protestant inhabitants of the Parishes of St. Malachie and St. Ignace, in the County of Vaudreuil; praying for certain amendments of the Act relating to Elementary Instruction in Lower Canada.

Of the Literary and Historical Society of Quebec; praying for aid in support of the said institution.

Of Mrs. M. H. Mountain, on behalf of the Committee of Ladies of the Protestant Female Orphan Asylum at Quebec; praying for the usual annual aid in support of the said institution.

Of the Reverend John Cook, D.D., Minister, and others, Elders and Trustees of St. Andrew's Church, in the City of Quebec; praying for aid in support of a School in connexion with the said Church.

Of Mrs. Mary H. Mountain and other Ladies, the Managers of the Male Orphan Asylum of Quebec, in connexion with the Church of England; praying for aid in support of the said institution.

Of E. Dalaire, Esquire, and others, Censitaires of the Seigniory of Lauzon; praying for the abolition of Seigniorial Rights.

Of Simeon Larochelle, of the Parish of St. Anselme, in the County of Dorchester, mechanician; praying for aid to enable him to construct

a model of a self-acting Battery for Cannon, invented by him, and that he may be protected in the rights and advantages of the said invention.

Of Oliver Owen and Joseph Sifton, of the Town of London, in the District of London; praying for an investigation of certain claims held by them against the "Board of Works," which it refuses to pay.

Of James Dickson and others, of the Banlieue of the Town of Three Rivers; praying that they may be separated from the Parish of Three Rivers, for the purpose of forming a distinct Municipality.

Of William Kent and others, of the Townships of Toronto and Chinquacousy, in the Home District; praying that the Common School Act may be amended.

Petitions referred:

Edward M'Naughton, et al.

Ordered, That the Petition of Edward M'Naughton and others, of Ste. Anne, Ste. Geneviève, and Pointe Claire, be referred to the Select Committee, to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other references.

Member added to Committee.

Ordered, That Mr. Jobin be added to the said Committee.

J. B. Le Bel, Esq., et al.

Honourable H. Black, et al.

Ordered, That the Petition of Jean Baptiste LeBel, Esquire, and others, of the Village of La Misère, and of the Parish of St. Ambroise, Jeune Lorette; and the Petition of the Honourable Henry Black and others, inhabitants of the City of Quebec, and of St. Ambroise and other Parishes, be referred to the Select Committee, to which was referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette, and other references.

Benjamin Clark, et al.

John Sharples, Esquire.

Ordered, That the Petition of Benjamin Clark and others, Manufacturers of Lumber, residing on the St. Lawrence Section, in the Province of Canada; and the Petition of John Sharples, Esquire, Supervisor of Cullers, of the City of Quebec, be referred to the Select Committee, to which was referred the Petition of William Rogerson and others, Manufacturers of Lumber of the Province of Canada.

John Lesslie, et al.

Ordered, That the Petition of John Lesslie and others, inhabitants of the Township of West Flamborough, in the District of Gore, be referred to the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

Anthony Leslie, Esquire.

Honourable F. Hincks, et al.

Ordered, That the Petition of Anthony Leslie, Esquire, Inspector of Licenses, in the District of Bathurst; and the Petition of the Honourable Francis Hincks, President, and others, members of the St. Patrick Society of Montreal, be referred to the Standing Committee on Private Bills.

Mayor, &c., of Quebec. — Ordered, That the Petition of the Mayor and Councillors of the City of Quebec, (relating to the Lighting of the Streets); the Petition of the Mayor and Councillors of the City of Quebec, (relating to Assessors); be referred to the Select Committee, to which was referred the Petition of the Mayor and Councillors of the City of Quebec.

Members of Church of England. — Ordered, That the Petition of Francis B. Baker and others, members of the United Church of England and Ireland, in the Township of Leeds, in the Diocese of Toronto; the Petition of Hugh Allingham and others, members of the United Church of England and Ireland, in the Township of Yonge, in the Diocese of Toronto; the Petition of William Green, Esquire, and others, members of the United Church of England and Ireland, in parts of Yonge and other Townships, in the Diocese of Toronto; the Petition of the Reverend G. B. Fuller and others, members of the United Church of England and Ireland, in the Parish of Thorold, in the Diocese of Toronto; the Petition of the Reverend Frederick Fanquier and others, members of the United Church of England and Ireland, in the Township of Zorra, in the District of Brock, in the Diocese of Toronto; and the Petition of D. K. Servos, Esquire, and others, of the Townships of Saltfleet and Binbrook, in the District of Gore, in the Diocese of Toronto; be referred to the Select Committee, to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Messrs. Burroughs and Huot. — Ordered, That the Petition of Messieurs Burroughs and Huot, Prothonotary of the Court of Queen's Bench for the District of Quebec, be referred to the Select Committee appointed to enquire into the state of the archives and records in this Province.

Mrs. Eleanor Teed. — Resolved, That the Petition of Mrs. Eleanor Teed, of the City of Quebec, widow of the late John Teed, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Christie, Mr. Taché, and Mr. Berthelot, to examine the contents thereof, and to report

(63)

thereon, with all convenient speed; with power to send for persons, papers and records.

Messrs. Wickes and Chapman. — Resolved, That the Petition of William Wickes, A.M., and of Edward Chapman, B.A., of the City of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Moffatt, Mr. Gowan, the Honourable Mr. Aylwin, the Honourable Mr. DeBleury, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Toronto and Lake Huron Railroad — Resolved, That the Petition of the President and Directors, of the City of Toronto and Lake Huron Railroad Company, be referred to a

Company. Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, Mr. Duggan, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

John Macara. Resolved, That the Petition of John Macara, of the City of Toronto, be referred to a Select Committee, composed of Mr. Macdonald of Kingston, Mr. Prince, Mr. Price, and Mr. Meyers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Municipal Council of Hochelaga. Resolved, That the Petition of the Municipal Council of Hochelaga, be referred to a Select Committee, composed of the Honourable Mr. Morin, the Honourable Mr. Attorney General Smith, Mr. Leslie, the Honourable Mr. DeBleury, and Mr. Lantier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

George Ball, et al. Ordered, That the Petition of George Ball and others, inhabitants of Niagara and other Townships, in the District of Niagara, be referred to the Select Committee to which was referred the Petition of the Municipal Council of the District of Niagara (relating to a road.)

Bank of U. C. Resolved, That the Petition of the Bank of Upper Canada be referred to a Select Committee, composed of Mr. Boulton, Mr. Webster, Mr. LeMoine, Mr. Thompson, and Mr. Macdonald of Kingston, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

R. J. Hamilton, Esquire. Resolved, That the Petition of Robert Jarvis Hamilton, Esquire, and others, inhabitants of the Town of Hamilton, and of the Township of Barton, in the District of Gore, be referred to a Select Committee, composed of Mr. Smith of Wentworth, Mr. Thompson, Mr. Chalmers, Mr. Webster, and Mr. Price, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Commercial Bank. Resolved, That the Petition of the President, Directors, and Company of the Commercial Bank of the Midland District, be referred to a Select Committee, composed of Mr. Macdonald of Kingston, Mr. Webster, Mr. Sherwood of Brockville, and Mr. Meyers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

H. Gildersleeve. Resolved, That the Petition of Henry Gildersleeve and others, be referred to a Select Committee,

composed of Mr. Macdonald of Kingston, Mr. Williams, Mr. Murney, Mr. Meyers, and Mr. Smith of Frontenac, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

F. F. Carruthers, Esq.

Resolved, That the Petition of Frederic Fraser Carruthers, Esquire, of the City of Toronto, be referred to a Select Committee composed of Mr. Gowan, Mr. Duggan, the Honourable Mr. Attorney General Draper, and the Honourable Mr. Morin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House by command of His Excellency, the Administrator of the Government:--

Board of Works.

A Report of the Board of Works, in accordance with the 30th section of the Act 4 and 5 Victoria, chapter 38, dated December, 1845.

(For the said Report, see Appendix N.)

Also,

Preliminary Report of the Commissioners of Enquiry into the Management of the Board of Works.

(For the said Report, see Appendix O.)

And also,

Education, U. C.

Report on a system of Public Elementary Instruction for Upper Canada.

(For the said Report, see Appendix P.)

West Halton Election.

Mr. Williams, Chairman of the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, reported to the House the following Resolutions, which were again read at the Clerk's table.

Resolved, That it does not appear by the copy of the proceedings under the Commission appointed to receive and take evidence in the matter of the Contested Election for the West Riding of the County of Halton, produced before this Committee, that either the Commissioners or the Clerk appointed by them, were duly sworn, in accordance with the provisions of the Statute for the Trial of Controverted Elections in Upper Canada, this Committee cannot therefore receive the evidence contained in the said Copy and Return under the said Commission.

Resolved, That the said Commissioners have been guilty of neglect of their duty by not complying with the provisions of the Statute for

the Trial of Controverted Elections.[3]

COL. PRINCE said, as nominee to the petition, he found it his duty to make a motion relative to the conduct of these Commissioners.[4] It appeared by the resolutions just read that the Commissioners referred to had been guilty of gross neglect of duty, so gross indeed, as to be almost unparalleled, and if no redress could be had, a very great injustice might be done to the petitioner and to one of the constituencies of the country. In consequence of the conduct complained of, he (Col. Prince) was about to submit a motion which, he was free to confess, was a novel one, and for which he was not aware that a precedent could be found[5], and he would leave it to the House to support him or not as it thought fit. ... He should therefore move that Mr. Speaker do issue his warrant against the said Commissioners, to compel their attendance at the Bar, there, if able, to explain their neglect; and that they be directed to produce their original proceedings, in order, if necessary, to amend their return.[6] In England such a course was not necessary, because there evidence in cases of controverted elections was taken viva voce. The Commissioners, in the present case, were bound by the Act to be sworn in a certain form, first the Chairman, and then the oath to be administered to the other two by him, (the Chairman,) after which the Clerk is to be sworn by any one of the Commissioners. Now, it did not appear by the return made to the Committee that these oaths were administered. There was no jurat sent, and the Committee could not determine whether the parties were legally sworn or not. The motion which he (Col. P.) was about to make was, he feared, beset with difficulties. He did not know that the House had the power to supply the defects in the return, or whether it would be ruled that although the parties were not sworn by the act they were yet literally sworn.[7]

MR. GOWAN thought that no evidence further than that already sent could be taken; at all events he would like that the question would be postponed, as he had not been able to consult the statute.[8]

MR. WILLIAMS said, he thought the House ought to entertain the motion: the evidence appeared to have been taken in the usual course, only that in copying the Jurat is omitted. It was likely that this was in the original. It was clear to him, from the words of the statute, that the House had controul in the matter. The Committee after having unanimously adopted two resolutions, had reported them to the House for their opinion. The Committee did not want further evidence as to the merits. By having the copy of the commission amended they would not be furnishing further evidence to the Committee.[9]

MR. AYLWIN[10] - hoped that the motion before the House would prevail; it was no trifling or jesting matter that the sacred privileges of the House should be trampled upon in the manner just set forth. It was not to be endured that a man who ought to be, and was to be, tried really and truly by his peers, should be screened and protected because, Mr. Commissioner this or that, or some other wretch, chose to

disregard and set at nought the orders of that House, and that as a further consequence a man should occupy a seat in that House to which he was not elected.[11]

MR. GOWAN called the Member for Quebec to order, - he had no right to say that any Member of that House sat in it without right.[12]

MR. AYLWIN continued. "I am in order; I am not a man to be mealy-mouthed, and disguise my opinions, but I aver them openly and fearlessly, and I will stand by them in this House or out of it."[13] He (Mr. Aylwin) ... would repeat that if the allegations contained in the resolutions read by the hon. member for Durham were true that there was a person seated in that House who ought to be expelled, who was an intruder. What is the case? Three Commissioners have been authorized to investigate a certain matter, have been invested with a power the most important, the most honorable, and instead of making a just and proper return they act so as actually to stifle enquiry, to prevent all justice! It was to be regretted that as the law now stood there was no punishment for such an offence.[14] You have a Penitentiary, said the Member for Quebec, where you send petty larceny rascals for three, for seven, and for fourteen years; but I will tell you what I would do, if I had my way. I would sent these great villains, these plotting Commissioners three, not for three years, not for seven, nor for fourteen, but for life, - for life, Sir. (Laughter.) Honble. gentlemen might laugh; a great many serious things had been said by Members opposite lately, in a jesting way. It was no laughing matter that by the rascality of those Commissioners a constituency was disfranchised, that a petitioner at that Bar was denied his just rights, that a person who had no right to it was allowed to hold the seat in that House which belonged to him.[15] The hon. member concluded by recommending an alteration in the form of the motion, it should not be for the Speaker to issue a summons, but for the House to "order" the attendance of the Commissioners.[16]

MR. DUGGAN, nominee for the sitting Member, rising, said ... "I will thank you to repeat what you said."[17]

MR. AYLWIN. ... What, Sir?[18]

MR. DUGGAN. "I will thank you to repeat what you said."[19]

MR. AYLWIN. ... "I said, Sir, that by such conduct as this, a petitioner at the Bar of this House <u>might</u> be denied his just rights, and his seat in this House <u>might</u> be held by another." (Cries of Oh! Oh! and Laughter.)[20]

MR. DUGGAN - he said that he had only been made aware within the last ten minutes of the motion. He considered however as it was a novel case, that the motion if wished to be passed in its present form, ought to be postponed to allow members the privilege of looking into precedents. The House has already he said rejected a petition for the reason that where the committee had jurisdiction, the House had none; now in this case the House, he (Mr. D.) conceived had no jurisdiction. If the motion is so altered as merely to compel the Commissioners to

appear and answer for their gross neglect of duty he would vote for it, but if it were to compel them to come up and amend the evidence he could not give his vote for the motion.[21]

MR. LAFONTAINE did not think that the law required that there should be a certificate of the oath having been administered furnished by the party by whom it was administered; he was of opinion that if the return contained proof in any shape of the Commissioners having been sworn that it would be sufficient. If the case were otherwise the judgments of our Courts might be questioned upon the presumption that the Judges had not been duly sworn.[22]

MR. WILLIAMS. - He would beg to state again that it is mentioned that the three Commissioners were all present, and that they signed the affidavit, but there is no jurat appended to it.[23]

MR. HALL said the Hon. Member for Quebec had, as usual, indulged in a great deal of sound and fury[24], descanted at great length on the villainy of the Commissioners, and ((had)) condemned them unheard to the Penitentiary[25] and lashed himself into a towering rage about what, after all, might turn out to be a very small business. For himself he knew none of the Commissioners, but he believed them to be gentlemen, or that House would not have appointed them. Of this, however, he was certain, that if those gentlemen stood on the floor of that House, or if the Member for Quebec met them out of it, he would not dare to make use of the language which he had done in speaking of them. (Cheers.)[26] Just now ... he (Mr. H.) considered that hon. gentlemen ought not in this House to abuse unheard gentlemen who might - indeed, from his knowledge of the gentlemen, could - give a satisfactory reason for the omission.[27] It was not right to prejudge the question in this manner, and it was a cowardly thing for any Member of that House to take advantage of his position to vilify men more than his equals, and to associate their names with Penitentiary birds. (Cheers.) The Member for Quebec should remember that all did not go to the Penitentiary that deserved it. (Cheers and Laughter.)[28] He said that it appeared that he (Mr. H.) had excited the ire of the honorable member for Quebec by laughing. Now he thought that the hon. member for Quebec ought to be the last person to complain of laughing, as he is notoriously the laughing member of this House. He (Mr. Aylwin) has occupied for these several years the most prominent place in this House in crying "Hear, hear, &c."[29]

MR. BALDWIN entirely concurred in the view that the present was a most serious question, there was no doubt that the rights of the House ought not to be trifled with, and it was equally manifest that if the charges now preferred were true, a most grave offence has been committed against the House. With regard to the motion, he (Mr. Baldwin) was of opinion that the commissioners ought to appear before the House and bring with them the original minutes. He (Mr. B) agreed with the hon. and learned member for Terrebonne, that the certificate of the person who administered the oath was not necessary to establish

that the commissioners had been legally sworn, but that was a point for the committee to determine, and with their decision he (Mr. B.) would, of course, in no way interfere. If it should turn out that the commissioners were not sworn, then another difficulty might arise, but if it appeared that they were sworn, then he thought they (the commissioners) might be called upon to complete their return, for it was monstrous to suppose that after all had been done in the way of investigation, the whole proceeding should be stiffled (sic) by a mere omission of the commissioners. It was most important that the matter should be carefully enquired into, and that parties who assumed to discharge certain duties for that House, should be required to meet their engagements faithfully and honourably.[30]

MR. R. MACDONALD of Cornwall was delighted in hearing the way in which the hon. and learned member for the fourth riding had treated the question, it was so different from the manner in which the hon. member for Quebec had treated it. He (Mr. B.) condescended to argue the question. But he (Mr. McD.) considered that he erred in his opinions. He would beg to put a hypothetic care (sic). On account of the expense of bringing witnesses to court a commission is issued to examine the witnesses, it is returned, and found to be informal, do the judges order it to be returned for amendment, no (sic) the plaintiff is non-suited? If the hon. member for Essex will confine the motion to the mere calling the commissioners to appear, and allow them if they like to bring the evidence for their exculpation, he would vote for the motion.[31]

MR. BALDWIN. - He would in a few words answer the hypothetic case put by the member for Cornwall. The Commission is returned to the Court in banc and from that time till the case comes up for judgment, there is no opportunity to have it amended, but that is not the case here, we can order the Committee to adjourn for a time, and in the interim amend the evidence.[32]

MR. GOWAN would ask the hon. and learned member for Terrebonne whether a man could be convicted of perjury upon the mere setting forth in the evidence of the substance of the oath taken by him?[33]

MR. BALDWIN - The oath is set forth word for word in the return.[34]

MR. GOWAN. - Still there could be no prosecution without the certificate of the magistrate who administered the oath. He (Mr. Gowan) thought that according to the law there was no power to add to the evidence, and that it was the copy only and not the original minutes that could be available to the Committee.[35]

MR. BALDWIN would observe again that it was not further evidence that would be adduced, but merely a making good the present evidence; there was in point of fact no return made; the object of the motion was to amend the return so as to perfect it.[36]

MR. CAMERON. - If it were allowed, he would allude to a former debate, and there he would find that hon. members did not look so

closely to the letter of the law but to the justice of the case. But, said he, circumstances alter cases. There are persons present who saw the commissioners sworn and all the formalities of the law complied with. Now if this is the case, and what is wanted to make the whole evidence formal is merely an omission in copying, ought the evidence not to be amended, and as amended go to the committee?[37]

MR. CHALMERS. - He was well acquainted with the commissioners, and he could assure the House that they were perfect gentlemen[38], incapable of acting in the manner imputed to them. He had been perfectly disgusted with the language of the Member for Quebec[39] in reference to them.[40] His friend who had last spoken said that the Member for Quebec would not have dared to have used, before the Commissioners, the language he had done in that House; now he (Mr. C.) was of a different opinion: he believed that Mr. Aylwin might do so with perfect impunity, and they would treat him with the contempt he deserved.[41] The commissioners were perfect gentlemen.[42]

MR. AYLWIN said, the hon. member who last spoke may know the Commissioners to be gentlemen, but he (Mr. A.) could only judge of them by the report of the Committee; and the opinion he had expressed, formed upon that evidence, he was prepared to answer for in or out of the House. He (Mr. A.) was in that House to discharge a certain duty, and let no man suppose that he was to be intimidated from pursuing what he conceived to be the right course, or that he was to be mealy-mouthed in denouncing what to him was palpable error.[43]

MR. WILLIAMS - thought that there would be no cruelty in bringing the Commissioners before the bar of this House to answer for their manifest neglect of their duty - and no injury would be done them - they might be able satisfactorily to explain their conduct.[44]

MR. MORIN - was not an Upper Canada Lawyer, but there were some general principles of law, which were every where the same, and with respect to which he could express an opinion, and the question before them, he considered to be of this nature. The great difference between this case, and a commission returned into a Court of law is, that the latter relates only to a private action, - the Court that is seized of the cause, does not care who ... obtains a verdict; while the former relates to a great question of public law. If technical objections to the proceedings in election cases are allowed so often to prevail, it will be perfect nonsense to contest the seats of sitting members no matter how illegally they may hold their seats.[45]

MR. COLVILLE - was prepared to vote for that part of the motion which ordered the Commissioners to appear before the bar of this House, but he could not vote for the latter part, as he conceived that the statute had taken away all jurisdiction in the case, from the House.[46]

MR. ROBLIN - was of opinion that the House had nothing to do with respect to the legality of the Commissioner's return. We cannot even press an opinion concerning it, for it is entirely in the hands of

the Committee. The Committee has only come before the House, for them to use the power they possess, in order that the Commissioners might be brought before them, to explain their neglect.[47]

MR. SOL. GEN. SHERWOOD said, that under the Grenville Act he (Mr. S.) did not think that the House could interfere with the Committee, with respect to either a matter of fact or law. The Commission was executed perfectly, or it was not, and it should be received just the same as a Commission issued in the Court of Queen's Bench. When such a Commission is imperfectly executed the Court will not send it back to have the mistakes remedied. The statute provides, that when the House conceives that it will be attended with too great trouble and expense to have the witnesses examined before the Committee, a Commission should be appointed. It directs the Commissioners how to proceed with examination of witnesses; and it further states, that when the Commission is closed it is to be directed to the speaker, who hands it to the Chairman of the Committee, and the committoe (sic) are then to examine the evidence, the same as if it were given before them viva voce. He (Mr. S.) would ask whether they are not bound to go on with the case? Will the House now take it from the Committee? The Committee, are the sole judges of whether there was any evidence wanting, or any defect in the proceedings, and they say the law has not been complied with, and they want us to supply what is wanting. He (Mr. S.) thought that the defect could not be supplied - that the committee must adjudicate upon the Commission, in the style that they received it from the speaker. This opinion he formed by analogy with the practice of the Supreme Courts, which always rejects a commission at once when there is any defect in the seal or oath. It is true you may apply for a new trial, but here you cannot.[48]

MR. AT. GEN. DRAPER - Hoped the Hon. Member for Essex would not press the latter part of the resolution, as he (Mr. Draper) was not prepared to vote against, or to express a decided opinion upon its merits, not knowing before he entered the House that the question would be brought before them. With respect to the first part, he (Mr. D.) thought there would not be a dissenting voice. Bring the Commissioners before the House for the manifest neglect of duty, and by doing so you will not bind yourselves with respect to your future conduct. He (Mr. D.) considered it better to leave the question undecided until that time, for then they would be more prepared to state what their course ought to be. He (Mr. D.) would call the particular attention of the Hon. Member for North York (Mr. Baldwin) to a clause of the statute that had not been noticed, and which he considered might have a good deal of influence in the decision of the question. (Here Mr. Draper recited the clause). From this it is clear, that it is the duty of the Committee to receive the Commission, and that they alone can decide whether the Commission has been legally returned or not, and if they report to the House that there is not such a return as the law requires, the House may appoint a new Committee.[49]

MR. BALDWIN - So far from being shaken in his opinion by the clause

just read by the Attorney General, he considered it strengthened the view he had taken. The presumption is that all the proceedings of the Commissioners were regular, and that in point of fact the swearing did take place, and we wish the Commissioners to supply what they should have stated. All writs issued for a Court may be amended. Why do members object to the Commissioners bringing the minutes of their proceedings? Are they afraid that these minutes will be a sort of pandora's box, which will spread pestilence among them? Would there be any sense in ordering the Commissioners to appear before them, and afterwards send them back for the minutes? He (Mr. B.) did not hesitate to affirm that the Court of Queen's Bench had the power to order such returns to be amended, and the reason that it is not generally done, is because these Commissions are generally opened at Nisi prius, and there is no time to have them amended; it would be different if they were opened in Banco. Returns to other writs are often amended. He (Mr. B.) wolld call upon Hon. members to recollect the consequences, if there was any way of remedying such trifling defects. He (Mr. B) would ask if the Commission had been sewed up in a bundle, and by mistake another parcel was sent to the speaker and delivered to the Chairman of the Committee. Could not this mistake be neglected?[50]

MR. SOL. GEN. SHERWOOD - No.[51]

MR. BALDWIN - he would consider it a prostitution of justice if such was the case. His opinion, was, that, what has been regularly done by the Commissioners, we have the power to make them put it in a proper shape. This is very different from sending them back to take more evidence.[52]

COL. PRINCE was glad that this question had come up. He would however move to have leave to withdraw the resolution in order that he might substitute another one to the effect, that the Commissioners be ordered to appear before this House, and to bring the minutes of their proceedings with them. He (Mr. P.) thought it but fair to let them know what they are brought here for. Supposing it turns out that the parties were duly sworn, and that it was a mistake that the jurat was not returned, the House would then not punish them so much.[53]

(63)

Mr. Prince moved, seconded by Mr. Price, That Miles O'Reilly, John Ogilvie Hatt, and Samuel B. Freeman, Esquires, Commissioners appointed to take evidence in the matter of the Contested Election for the West Riding of the County of Halton, be ordered to attend at the Bar of this House forthwith, to answer for their neglect in not complying with the orders of the House and the Statute, in their proceedings under the Commission upon which they acted, and to bring with them the original minutes of their proceedings under the Commission.

MR. RIDDELL - did not approve of the latter part of the motion.[54]

MR. J. A. MACDONALD of Kingston - did not see the object of ordering them to bring their minutes with them, as the House could not act upon them. He (Mr. McD) agreed with the hon. member for Bellechasse,

that the Committee could receive evidence as to whether the oaths had been duly administered or not, but the House had nothing to do with it.[55]

MR. SOL. GEN. SHERWOOD differed from the hon. member (Mr. Baldwin) with respect to the power of the Court of Queen's Bench to amend returns of Commissions. The Grenville Act having delegated to eleven men, who are sworn, the power of trying contested elections; they are not to be controuled (sic) or interfered with by the House. If the House had to decide the election, it would be different.[56]

MR. DUGGAN thought it an encroachment upon the rights of the Committee. If the Committee had passed a resolution that this House be requested to send for the Commissioners in order that they might explain their returns, it would then have been proper for the House to make use of their power to assist the Committee. But he was opposed to their indirectly assisting the Committee, when they had not asked them to do so.[57]

MR. PRICE - Had heard no good reason why the Commissioners should not be ordered to bring the minutes of their proceedings. It appeared to him absolutely necessary and just to the Commissioners and themselves that the former should be told of what we complain; otherwise if the Commissioners appeared before the Committee, and certain questions were put to them, they might reply, if we had known that we should have been asked such a question, we would have brought down the proceedings with us. He (Mr. P.) would like that a good and solid reason should be given why they should not be directed to bring the minutes of their proceedings.[58]

MR. SOL. GEN. SHERWOOD would ask cui bono do you order the minutes to be brought? He considered that they had not the power to do so. The reason that he (Mr. S.) did not like that the minutes of the proceedings should be ordered to be brought was, that it appeared to him that it was a sort of pledge that the House would order the commission to be amended.[59]

MR. GOWAN would read a short extract from the same speeches that were read by the Speaker, and upon which the House acted last Friday. Mr. Wynn, the author of the Grenville Act, said that an opinion ought not to be expressed by the House of Commons on a question that would have to be decided by the committee; so he (Mr. G.) was opposed to any interference by the House with the proper duties and rights of the committee.[60]

MR. DUGGAN. - My name appears on the motion as seconder, but as I do not approve of the latter part of it, I request that my name be struck off.[61]

(63)

The Honourable Mr. Solicitor General Sherwood moved in amendment, seconded by Mr. Duggan, that the words "and to bring with them the original minutes of their proceedings under the Commission," be struck out of the motion.

(64)

West Halton Election.

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as follow-eth:--

YEAS.

Boulton, Brooks, Cayley, Chalmers, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Jessup, Macdonald of KINGSTON, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, and Woods--(36.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bouthillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desaulnier, DeWitt, Guillet Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeBoutillier, LeMoine, Leslie, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Monro, Morin, Nelson, Price, Prince, Rousseau, Scott, Smith of WENTWORTH, Taché, Thompson, and Williams--(38.)

So it passed in the negative.

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bouthillier, Cameron, Cauchon, Cayley, Chabot, Chalmers, Chauveau, Christie, Cummings, Daly, Desaulnier, DeWitt, Dickson, Attorney General Draper, Ermatinger, Foster, Gowan, Guillet, Hale, Hall, Jessup, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Moffatt, Monro, Morin, Murney, Nelson, Papineau, Petrie, Price, Prince, Riddell, Robinson, Roblin, Rousseau, Scott, Seymour, Sherwood of BROCKVILLE, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Solicitor General Taschereau, Thompson, Viger, Williams, and Woods--(65.)

NAYS.

Boulton, Brooks, Colville, DeBleury, Duggan, Meyers, Solicitor General Sherwood, and Smith of FRONTENAC--(8.)

So it was carried in the affirmative, and

Ordered, Accordingly.

Private Bills.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the

House the Second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

The "Religieuses du Bon Pasteur" Bill.

Your Committee have considered the Petition of the Very Reverend Hyacinthe Hudon, Titulary Canon of the Cathedral of St. Jacques, Montreal, &c.; praying for the passing of an Act to incorporate the Society called the "Religieuses du Bon Pasteur;"--Mr. Hudon has appeared before them in support of his Petition, and from his evidence (which is appended hereto) they are fully persuaded that the institution is one of a most useful and beneficial nature, and that if the powers for which they apply are granted them, they would be enabled greatly to increase its usefulness; your Committee therefore recommend the same to the favourable notice of your Honourable House.

Woodstock and Port Burwell Railroad.

With respect to the Petition of Colonel Light and others, praying to be incorporated for the purpose of constructing a Railroad to connect Woodstock with Ports Burwell and Rowan, your Committee find, upon inquiry, that the Rule of your Honourable House, which requires that notice of the application be duly published, has not been complied with, they cannot therefore recommend a consideration of the Petition.

COMMITTEE ROOM,
6th April, 1846.

Evidence of [illegible] Hudon.

The Very Reverend Hyacinthe Hudon, Titulary Canon of the Cathedral of St. Jacques, at Montreal, and Grand Vicar of the Diocese of Montreal, called in and examined.

1. Is the Corporation created by the Act 3 Will. 4, c. 35, still in existence, and what is the amount of their property and liabilites?--The Corporation, though legally in existence, has not existed, in fact, for at least four years. They have no property, having transferred the little they had in payment of debts, and I consider that they have no debts now, as I believe the debts have been paid by the person to whom the debt was transferred; the debts amounted to £424 17s. 11d. The Petitioners would have no objection to be charged, in point of law, with the debts of the former Corporation, and in fact, at a meeting of the said Corporation, on 16th January, 1845, it was resolved to transfer all its affairs to the present petitioners, and to apply to the Legislature for the requisite authority. I produce a copy of the resolution to that effect.

Extract from the Book of Deliberations, Rules, and other Official Acts of the Corporation of the Montreal Female Penitent Institution.--Folio 17, h. h. b. v. d. m. - T. B. P. S.

Meeting of the 16th January, 1845.

"On this sixteenth day of January, one thousand eight hundred and forty-five, at a meeting of this Corporation, held at the Convent du Bon

Pasteur, according to notice given yesterday, to all the members present in this City, and at which were present Monseigneur Ignace Bourget, Bishop of Montreal; Dame M. Amable Fortier, wife of the Honourable D. B. Viger, President of the said Corporation; Dame Jos. Ant. Gagnon; Dame M. Josephte Leborgne dite Perras; Dame Jacques Lafleur; and Dame Jos. Paul Lacroix; it was resolved, that a Petition should be presented to the Legislature, for the purpose of amending the Bill incorporating them under the name of 'The Charitable Institution for Penitent Females,' passed in the third year of the Reign of His late Majesty, King William the Fourth, (c. 35) and sanctioned by His Majesty in Council, on the 13th April, 1834, so as to transfer the powers of the said Corporation to the Religious Ladies of Notre Dame de Charité de Bon Pasteur, in order that they may, under that name, enjoy the rights and privileges mentioned in the said Bill.

Made and passed, at the Convent du Bon Pasteur, on the day and year above written.

(Signed) M.A.F. VIGER,
M. JOSEPHTE LE BORGNE,
ADELAIDE LAURENT
Dame JACQUES LAFLEUR.
MARIE CHARLOTTE LA CROIX.
+ Jg. Ev. de Montreal."

(True Copy,)

H. HUDON, P'tre.

2. Is the present institution in actual operation, and if so, for what length of time has it been so?--It has been in operation two years; the number of reformed females within its walls is now about thirty-three; there are eighteen ladies connected with the management of the establishment,--they also provide for and educate a number of orphan girls; the whole number of persons in the establishment if about sixty or seventy, and they might, beneficially, be extended to two or three hundred. I consider the institution as tending greatly to the promotion of morality. The property they now hold consists of their House in the Quebec Suburbs, and several lots of land in the City not built

(65)

upon, and other lots are promised to them. From the nature of the establishment, and the certainty of its extension, I think that a revenue of £1,000, (the amount authorized to be held by the former Corproation,) would be quite inadequate to their necessities, and that £3,000, the amount they are now desirous of holding, is the smallest that could suffice.

MR. CHABOT[62] - moved agreeably to the notice he had given, that a Select Committee of five Members be appointed to make certain enquiries respecting the Courts of Appeals in Lower Canada.

By the statute establishing the Court of Appeals in Lower Canada, 7th Vic., Cap. 18, Sec. 13, it is enacted that it shall be the duty of this Act, to make and establish, as well for the grand Court of appeals

as for the several courts of Queen's Bench in Lower Canada in the Superior Terms thereof, a tariff of fees for the officers of the said Courts respectively of the Attornies practicing therein, and also such rules of practice as may be necessary in civil matters. The Act came into force on the 21st day of April 1844, and consequently the period within which the said court were to have made the said tariff and rules of practice had expired nearly a year ago, and as yet no tariff or rules of practice had been made by the said Court of Appeals, he therefore moved for a Committee to be appointed to enquire into the reasons why they had not complied with the said statute in order that some steps might be taken to have the said Rules of Practice and Tariff made if the Court still refused to do so.[63]

(65)

Court of Appeals, L. C. — *Resolved, That a Select Committee, composed of Mr. Chabot, the Honourable Mr. Aylwin, the Honourable Mr. LaFontaine, Mr. Solicitor General Taschereau, and Mr. Drummond, be appointed to inquire, whether the Court of Appeals for Lower Canada, constituted by the Act 7th Victoria, chap. 18, has performed and executed the duty imposed and prescribed by the 13th section of the said Act, with respect to the making of Rules of Practice for the said Court, and for the Courts of Queen's Bench, and Tariffs of Fees for the Officers of the said Courts; and in case the said section shall not have been complied with, and carried into effect, and obeyed, to inquire why it has not, and to suggest some plan or method of giving effect to it, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Election Bill, L. C. — *Ordered, That the Honourable Mr. LaFontaine have leave to bring in a Bill to repeal certain Acts therein mentioned, and to regulate Elections in Lower Canada, of Members of the Legislative Assembly.*

He accordingly presented the said Bill to the House,[64]

MR. LAFONTAINE.--In making this motion, Mr. Lafontaine took occasion to say, that as he was one of the persons engaged in the correspondence with Ministers which had excited so much curiosity, he felt it to be his duty to lay the documents connected therewith before the House, and that he should do so on Tuesday.[65]

(65)

and the same was received and read for the first time, and ordered to be read a second time on Wednesday the fifteenth instant.

On motion of Mr. Cummings, seconded by Mr. Merritt,

Entries in Journals read (Petition of Niagara Municipal Council.) — *Ordered, That so much of the Entries in the Journals of this House of the Session of 1843, as contain the Petition of the Municipal Council of the District of Niagara, on the subject of the selection of a site for a new District*

Town; the Petition of John Harris and others, inhabitants of Grimsby and other Townships, in the District of Niagara; and the Reports of the Select Committee, to which the said Petitions were referred; be now read.

The said Entries were read accordingly.

Resolved, That the said Entries be referred to a Select Committee, composed of Mr. Cummings, the Honourable Mr. Robinson, Mr. Merritt, Mr. Thompson, and Mr. Duggan, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Kingston Incorporation Bill. — Ordered, That Mr. Macdonald of Kingston, have leave to bring in a Bill to incorporate the Town of Kingston as a City.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Standing Orders. — Resolved, That a Select Committee, composed of the Honourable Mr. Baldwin, the Honourable Mr. Moffatt, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Morin, the Honourable Mr. Aylwin, Mr. Christie, and Mr. Williams be appointed to consider the subject of Standing Orders, Rules, and Regulations of this House, regulating the reference of Petitions; the third reading of Bills; giving notice of amendments to Bills intended to be moved in Committee of the whole on such Bills; and on notices generally: and to prepare and Report Standing Orders, Rules, and Regulations on these subjects, or any of them.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address for Light House Expenditure. — Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that His Excellency will be pleased to direct the proper Officer to lay before this House a Statement of the expenditure of the sum of £5,000 voted at the last Session of this present Parliament, for the erection of Light Houses; distinguishing how much of the said expenditure had been made in relation to Light Houses in the River St. Lawrence from Quebec downwards.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address relative to a Glebe Lot, Bytown. — Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to direct the proper officer to lay before this House, copies of all documents and representations

made to the Crown Lands Department, in relation to the purchase by John Rochester of Bytown, of a certain lot of land in the vicinity of that town, set aside and reserved as a Glebe Lot, for the Church of the United Kingdom of Great Britain and Ireland; and also, copies of all such representations as may have been made upon this subject by the Reverend Thomas Strong.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Meyers, seconded by Mr. Hall,

Cobourg Railroad Bill.

Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the expediency of reviving and amending an Act of the Legislature of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate certain Persons under the style and title of the Cobourg Railroad Company," and for other purposes therein mentioned.

The House accordingly resolved itself into the said Committee.

Mr. Jessup took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Jessup reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

On motion of Mr. Colville, seconded by Mr. Macdonald of Kingston,

Petition of Wm. Bowron, et al.

Resolved, That the 66th Standing Order of this House be suspended, in so far as regards the Petition of William Bowron and others, of the Townships of Godmanchester and Hinchinbrook, in the County of Beauharnois.

Ordered, That the said Petition be referred (de novo) to the Standing Committee on Private Bills.

(66)

Historical Society, Quebec.

Ordered, That the Petition of the Literary and Historical Society of Quebec, praying for an aid in support of the said Institution, be printed for the use of the members of this House.

Magdalen Islands Bill.

The Order of the Day for the second reading of the Bill relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, being read;

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Christie, Mr. LeBoutillier, Mr. Taché, the Honourable Mr. Laterrière, and Mr. Hale, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Instruction to Committee. *Ordered, That it be an instruction to the said Committee to enquire whether the dispositions of the said Bill could be advantageously extended to the new settlements in the County of Saguenay and the territory of the Madawaska; and also about the means of extending to those parts the benefit of the Provincial Statute, establishing Commissioners for the trial of Small Causes, and the Statute for the promotion of Elementary Education in Lower Canada.*

Gaspé Marriages, &c. Bill. *The Order of the Day for the second reading of the Bill to make provision for the legal proof and preservation thereof, of certain informal marriages had, anterior to a certain date therein mentioned, before Justices of the Peace and others, in the Inferior District of Gaspé, as ratified by Act of the Legislature of Lower Canada, but whereof no register or records have been kept, and for recording the same, including also certain births, or baptisms, and burials, in the said District, being read;*[66]

MR. CHRISTIE moved that the bill be read a second time. The bill was for the purpose of allowing proof to be made of certain marriages of which no record had been preserved, in order that they might be now recorded. A similar bill was passed in 1832, but the people in Gaspé did not avail themselves of the benefits of that Act, most of them being unaware of its existence: the time allowed for the making proof of marriages had long expired and the present bill was merely for the purpose of allowing such persons as had not taken advantage of the former Act, to make proof of such marriages in order that they might be enregistered.[67]

MR. AT. GEN. SMITH - He would ask the hon. member for Gaspé if the present bill would affect the present established rights of any persons.[68]

MR. CHRISTIE - It would not have any such effect.[69]

MR. CHABOT - He was satisfied with the intentions of the introducer of the bill, but he would oppose some of the clauses of it.[70]

MR. CHAUVEAU - He was very sorry to be under the necessity of opposing the hon. member for Gaspé, but felt he must oppose the present bill; it was a very serious matter to interfere with the acquired rights of parties. The hon. member has said that it would not, but he thought the bill would have that effect; and by the bill also any two witnesses would be valid to establishing a marriage, even though they might have a great interest in proving it, or even though they might be the next nearest relations, or heirs of the parties, whose

marriage they wanted to prove.[71]

MR. AYLWIN.--He wished the hon. member would postpone his bill till another day, as he was not prepared to decide upon it; and he would be very sorry to vote against a bill which he would feel himself bound to do, if the measure was pressed now.[72]

MR. CHRISTIE - He would at once have deferred the measure, at the request of the hon. member, but from the fact that during last session the bill had been referred to a select committee, and they had reported favourably: he only wanted justice, and as it was of importance to have the measure passed this session, he would press the second reading of the bill.[73]

MR. AT. GEN. SMITH - It appears that certain marriages have been solemnized before persons not qualified and of which no records have been kept, and the present bill is for to enable these parties to prove their marriages before Courts of Justice in order that they may be recorded; it would be for the Committee to report what clauses in the bill they thought objectionable, he himself did not like the construction of some of them, particularly the seventh.[74]

(66)

The said Bill was accordingly read, and referred to the Select Committee to which was referred the Magdalen Islands Bill.

MR. COM. CR. LANDS PAPINEAU moved seconded by Mr. Daly, that the Committee be also required to report if the provisions of the bill could not be advantageously extended to Lower Canada.[75]

(66)

Gaspé Municipalities Bill. *The Order of the Day for the second reading of the Bill relating to certain Municipalities in Gaspé, not regularly established, according to Law, and to remedy the defect, and for other purposes, being read;*

The said Bill was accordingly read, and referred to the Select Committee to which was referred the Magdalen Islands Bill.

Gaspé Administration of Justice Bill. *The Order of the Day for the second reading of the Bill for the better administration of Justice in the general Sessions of the Peace for Gaspé, and to prevent charges upon the Treasury of the Province, for unnecessarily summoning Jurors thereto being read;*

The said Bill was accordingly read, and referred to the Select Committee to which was referred the Magdalen Islands Bill.

Sale of Lands, U. C. *The Order of the Day for the House in Committee to take into consideration Resolutions for the repeal of certain parts of the Imperial Act, relating to the disposal or sale of lands in Upper Canada, being read;*

The House accordingly resolved itself into the said Committee. Mr. Price took the Chair of the Committee,[76]

MR. G. MACDONELL - He having entered into the question at some

length on ((a)) former occasion, ... he did not intend to occupy the time of the house by again going over the ground he then did; he thought the house would be doing great injustice to the people of Upper Canada, if they refused to repeal this act, for as the law now stands, it is productive of very injurious results; a great deal of land in Upper Canada was drawn by old soldiers, Upper Canada Loyalists, who, afterwards, wanted to sell their land; well, if a purchaser goes forward in good faith, and gives a valuable consideration for it, and upon going to settle on the land, finds a squatter there, he is in consequence of this statute unable to take possession of his own property, or to sell his rights in it. A bill was introduced last session, it had been read a second time and it was only from the press of business that it was not passed during last session.[77]

COL. PRINCE.--The Statute of Henry the 8th was passed when the law of real property was not so well known as at present; in order to prevent persons laying up old and disputed titles to lands; in Upper Canada men are to be found in every District, that make it a business to hunt up defects in titles - land sharks who go about seeking what land they may werst (sic) from its rightful owner. He did not think that it would do for us to repeal statute of 32, Henry the 8th, in a young country like this.[78]

MR. G. MACDONELL of Dundas.--This was a question which was simple enough for any capacity; and was there anything he would ask remarkable in repealing a Statute made in barbarous times, he thought the repealing of the Statute would eradicate an obnoxious weed which defaced the beautiful institutions which the learned Atty. Genl. had so eloquently described. Lord Brougham, when he called for the repeal of the Statute stated that it was a disgrace to the kingdom, and that it was a Statute that stunk in the nostrils of the British Parliament. The Statute operated greatly to the prejudice of the poorer people. The first time the statute was sought to be applied in Upper Canada, it was for the benefit of one of the Queen's Bench. He hoped to see ((the)) House pass a resolution declaring that the Statute was not in force.[79]

COL. PRINCE.--The Hon. Member when he spoke, referred to Lord Brougham as a great authority on law. He (Mr. Prince) knew something of Lord Brougham and of his habits, he was no doubt a very able and learned man, but he (Mr. P) thought he spoke the sentiments of the English Bar when he said that Lord Brougham was not considered to be a great lawyer, he was a great orator, a great statesman, no doubt, but no lawyer. He (Mr. P.) could not describe him better than in the words of a high legal functionary who said that Lord Brougham would be a very great man if he knew a little law, and then he would know a little of everything. The man who said that knew men well, and had in his lifetime forgot more law than Lord Brougham ever knew.[80]

MR. G. MACDONELL of Dundas.--He would not press the resolutions, seeing the present feeling of the House was against them, and he

would therefore move that the Committee do rise and report progress.[81]

(66)

and after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Price reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.[82]

MR. AT. GEN. DRAPER stated that the statute of Henry VIII. was passed to prevent the buying of litigated rights, or what was called pretence titles. It was a law declaratory of and in addition to the Common Law. In Plowden's Commentaries, a work held in high repute by Common Law lawyers, the doctrine of Common Law on this subject was fully laid down, and this author proved that this statute only added the penalties. He (Mr. D.) was prepared to go with the hon. member for Dundas as far as to say that no qui tam action should be allowed for the penalties, as the statute may in some instances have ... prevented the sale of real property. In other cases, however, which had come under his own observation, the statute had had a beneficial effect. An instance or two he would relate:--A person was a student of a practising Barrister, and in his office this student became acquainted with titles executed twenty years ago, which bestowed certain property on a married woman, when a certain contingency happened. He went to this married woman, and she, being old and infirm and having forgotten the transaction, was induced by the small consideration of thirty pounds to sell her rights, which were proved to be worth at least £1000. Another instance he (Mr. D.) mentioned of the devisee of certain property, having had his rights maintained by the salutary fear of the penalty imposed in this statute. A question had arisen in Upper Canada, with respect to whether this statute was in force or not - an eminent lawyer had given it as his opinion, that it was not in force, but no case had as yet come up in which this question was decided by the Court. These resolutions go much further than merely declaring that the statute is not in force; they change the ancient policy of the common law - the common law imposes no penalty, except making the conveyance void, it was the statute that did so. He (Mr. D.) objected to the second resolution, because it is opposed to the policy of the law for centuries past, this policy has been to prohibit the sale and purchase of rights of actions - of the claims that are being litigated before Courts of Justice. A commission was a few years ago appointed, composed of the greatest lawyers in England, to examine and report on the improvements that might be made in the transfer of real property and to settle the numerous difficulties connected with the intricate study, and these learned men had recommended that the ancient fabric of the common law should be restored in all its purity, that like some of England's splendid cathedrals or monuments that have been erected to the honour of some of her saints and warriors, the dust and rubbish that centuries have accumulated around them,

should be cleared away and they be restored in all their pristine glory and splendour.[83]

MR. BALDWIN - was pleased at the lucid and eloquent manner in which the Attorney General had defended the law as it now stood. He (Mr. B.) did not approve of hastily changing any law. In addition to those instances mentioned by the Attorney General of the beneficial effect of the law, he would state a case that occurred in his own practice. Two individuals had made an exchange, and one of the parties did not make an entry - one of those pests to society who go up and down Upper Canada, raking up defects in titles discovered the omission, and he purchased the right from the other party. He (Mr. B.) recommended a service of notice upon him of a qui tam action for the recovery of the penalties, the effect was that justice was obtained - in his experience, in no one instance has the statute been used for oppressive purposes, and it has often been applied to protect the innocent from the rapacity of the wicked - and when he found that a statute has been in force for so long a time and has been used for good purposes, he was not prepared to repeal it. He (Mr. B.) could not go so far as the Attorney General, in consenting to the repeal of the statute, unless a substitute was provided. He (Mr. B.) did not approve of the course that the hon. member for Dundas had adopted, in bringing in general resolutions and asking the House to agree to them. It was better to introduce the whole measure that is to become law, for then they would be able to judge of the propriety of the change.[84]

(66)

Trial by Jury. *The Order of the Day for the House in Committee for the consideration of certain resolutions to extend the right of Trial by Jury in certain cases, in Upper Canada, being read;*

Ordered, That the said Order of the Day be postponed until Monday next.

Great Western Railroad Bills. *The Order of the Day for the second reading of the Bill to alter and amend the Charter of the Great Western Railroad Company, being read;*

Ordered, That the said Bill be read a second time on Monday next.

The Order of the Day for the second reading of the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, being read;

The said Bill was accordingly read and referred to the Select Committee on Railroads.

Vidal's Relief Bill. *The Order of the Day for the second reading of the Bill to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for a Road across certain Lots of Land in the Township of Sarnia, in the Western District, now belonging to him, being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by Mr. Prince,

The House adjourned.

APPENDIX, 6 APRIL 1846.

((NOTICE OF QUESTION RE: MILITIA NOMINATIONS.))

M. CAUCHON a donné avis qu'il demanderait ... à l'administration si elle a fait ou si elle a intention de faire une enquête sur la conduite de M. Gugy, par rapport aux récentes nominations de la milice.[85]

((POSTPONED MOTION RE: COMMITTEE OF THE WHOLE ON THE STATE OF THE PROVINCE.))[86]

MR. JOHNSTON - said that he would like to make a few remarks before making the motion, and he would endeavour to condense his remarks in order to save the time of the house. The public accounts had lately been laid on the table, and he was glad to see it, for it was the best statement that had ever been laid on the table by any Inspector General. He wanted to know the amount of the public debt, but he could not find it in the book containing the public accounts; now this was a thing they ought to know, and it was very extraordinary he did not shew them the amount that they owed, although he could ask half a million pounds from them; they were going deeper and deeper in debt every day, and if they went on in this way he would not be surprised if in twenty years after this the very light of heaven would be taxed in order to let them get their schemes carried on, it was a bungling system altogether that was carried on between the Board of Works and the Government. The board of Works was composed of Messrs. Papineau, Cayley, and Morris, and they were always sure to whitewash each other; he knew that, in Upper Canada, they were always creating new offices, and putting persons into them who mismanaged everything. For suppose, a Surveyor goes out some day to mark out a road, another one was sure to follow him the next day to correct it, and then they always contrived to place the marks where the carts passing could destroy or rub them out, in order to get a new job of it; all this arose from the Members of the House not making the Ministers do as they should do; he thought that they should pay the contracts at once, and do away with the Board of Works altogether. They were a bungling set, for they have never made a correct estimate yet, he would tell them something which had lately happened, to give them an idea how things were carried on. A few days ago he wanted to get some information regarding some wild land, and he went to Mr. Papineau, the head of the Crown Land Department, and Mr. Boutillier, his Deputy, happened to be at Mr. Papineau's side at the time, and asked them some questions regarding the land in question. Oh, said Mr. Papineau, go to Mr. M'Nab, he will be able to give you more information about it than we can; well, he (Mr. J.) went to Mr. M'Nab, who was a very obliging and respectable gentleman, and enquired about the land from him, but Mr. M'Nab said he could not give any information without written instructions; now, that was a nice way to carry public business on; and

yet some way or the other they always contrived to whitewash each other when they came to the House.[87]

MR. CHRISTIE - There is an intention to make an enquiry into the expenditure on public works shortly, and he hoped that the Hon. Member would defer it till that was done.[88]

MR. JOHNSTON - He was much obliged to the Hon. member for his suggestion, but he was afraid that he was too kind to the Ministry, and that was what spoiled them; he did not, however, wish to delay the Bills now before the House, and would therefore not proceed further in the matter at present, but beg leave to postpone his motion to this day month.[89]

((This was)) agreed to.[90]

((WITHDRAWN BILL RE: VISITATION OF INSTITUTIONS.))[91]

The order of the day for the second reading of the bill introduced by Mr. Christie for the visitation of certain Institutions, was brought up.[92]

MR. CHRISTIE entered into some explanation of the nature of ((the)) bill, and said that it would entail an expence of £750 a year to carry out the provisions of the bill.[93]

MR. AYLWIN - asked if the bill which was going to entail an expense of £750 per annum on the country was introduced with the consent of the Ministry.[94]

MR. AT. GEN. SMITH - he intended to oppose the bill on that ground, as they had no money they could spare for the purposes of the bill, he thought remedies existed at present for many of the evils the bill was intended to obviate, he did not see any absolute necessity for the measure.[95]

COL. PRINCE - said he had no doubt that the mover of the bill was actuated by the best motives: he had heard that there were no Courts of Oyer and Terminer in Lower Canada[96].

MR. AYLWIN, I beg your pardon[97].

((COL. PRINCE continued:)) And that persons were liable to be confined in gaol there for a long time before they were tried, whether they were guilty or not. He hoped something would be done to remedy this evil.[98]

MR. CHRISTIE then begged leave to withdraw the bill[99].

((This)) was granted.[100]

((MR. CHRISTIE withdrew the bill.))[101]

FOOTNOTES - 6 APRIL 1846.

1. The text of this petition is found in LE JOURNAL DE QUEBEC, 28 April 1846.
2. The text of this petition is found in LE CANADIEN, 24 April 1846.
3. The debate on this matter was reported by: MONTREAL GAZETTE, 8 April 1846; PILOT, 7 April 1846; and MIRROR, 6 April 1846, and PILOT, 9 April 1846, in identical accounts. Commentaries are contained in PILOT, 7 April 1846.
4. MONTREAL GAZETTE, 8 April 1846.
5. MIRROR, 6 April 1846.
6. MONTREAL GAZETTE, 8 April 1846.
7. MIRROR, 6 April 1846.
8. IBID.
9. IBID.
10. IBID. MONTREAL GAZETTE, 8 April 1846, noted: "In the course of the debate Mr. Aylwin took an opportunity to inveigh in the most rabid terms, against the Commissioners, one of whom it appears is the Speaker's brother-in-law."
11. MIRROR, 6 April 1846.
12. MONTREAL GAZETTE, 8 April 1846.
13. IBID.
14. MIRROR, 6 April 1846.
15. MONTREAL GAZETTE, 8 April 1846.
16. MIRROR, 6 April 1846.
17. MONTREAL GAZETTE, 8 April 1846, which reported that Duggan spoke "in a quiet, determined way."
18. MONTREAL GAZETTE, 8 April 1846.
19. IBID.
20. IBID. The MONTREAL GAZETTE reported that Aylwin hesitated before reiterating his statement.
21. MIRROR, 6 April 1846.
22. IBID.
23. IBID.
24. MONTREAL GAZETTE, 8 April 1846.
25. MIRROR, 6 April 1846.
26. MONTREAL GAZETTE, 8 April 1846.
27. MIRROR, 6 April 1846.
28. MONTREAL GAZETTE, 8 April 1846.
29. MIRROR, 6 April 1846.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.

39. MONTREAL GAZETTE, 8 April 1846.
40. MIRROR, 6 April 1846.
41. MONTREAL GAZETTE, 8 April 1846.
42. MIRROR, 6 April 1846.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. The following remark was reported by: MIRROR, 6 April 1846, and PILOT, 9 April 1846, in identical accounts.
63. MIRROR, 6 April 1846.
64. The debate on this matter was reported by: PILOT, 7 April 1846; and MONTREAL GAZETTE, 8 April 1846, and ST. CATHARINES JOURNAL, 16 April 1846, in identical accounts.
65. MONTREAL GAZETTE, 8 April 1846.
66. The debate on this matter was reported by: MIRROR, 6 April 1846, and PILOT, 9 April 1846, in identical accounts.
67. MIRROR, 6 April 1846.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. The debate on this matter was reported by: MIRROR, 6 April 1846, and PILOT, 11 April 1846, in identical accounts.
77. MIRROR, 6 April 1846.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID. The MIRROR reported the rest of the debate as having occurred after the Committee had reported and the House had resumed.

83. MIRROR, 6 April 1846.
84. IBID.
85. LE JOURNAL DE QUEBEC, 9 April 1846.
86. The debate on this motion was reported by: MIRROR, 6 April 1846, and PILOT, 9 April 1846, in identical accounts.
87. MIRROR, 6 April 1846.
88. IBID.
89. IBID.
90. IBID.
91. The debate on this matter was reported by: MIRROR, 6 April 1846, and PILOT, 9 April 1846, in identical accounts.
92. MIRROR, 6 April 1846.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.

(66)

St. Lawrence and Atlantic Railroad.

MR. SPEAKER laid before the House, a Statement of the affairs of the St. Lawrence and Atlantic Railroad Company for the year ending 17th March, 1846, received in conformity to the Act 8, Vic. cap. 25, as follows:--

STATEMENT OF MONIES received and disbursed by the St. Lawrence and Atlantic Railroad Company, Incorporated by Act of the Provincial Parliament, 8 Vic. cap. 25, for the year ending 17th March, 1846:--

1846. 17th March	£ s. d.	£ s. d.	£ s. d.
To amount received to this date on account of first call on 6127 Shares		... ...	17795 10 9
DEDUCT--			
Disbursements of Mr. Galt on his mission to England. For advertising, printing, engraving, postages, and other disbursements ...	474 2 9		
Travelling expenses between 14th June and 31st December, 1845...	303 3 5		
	777 6 2 Stg.		
at the current rate of exchange when paid	... ...	963 14 5	
Disbursements of the London Committee	... ...	928 12 6	
Secretary's salary to the 31st December, 1845	... ...	150 0 0	
Advertising and other printing in Canada	... ...	42 9 9	
Professional fees ...	... ...	15 0 0	
Stationery, postage, Corporation seal, and other petty disbursements ...	... ...	68 1 9	
	... ...		2167 18 5
			£15627 12 4

(Errors Excepted.) THOMAS STEERS, Secretary.

(67)

I, Thomas Steers, Secretary to the St. Lawrence and Atlantic Railroad Company, being duly sworn, declare, that the foregoing is a correct Statement of the receipts and disbursements of the said Company for the year ending the 17th March, 1846, to the best of my knowledge and belief.

THOMAS STEERS.

Office of the St. Lawrence and Atlantic Railroad Company, Montreal 28th March, 1846.

Sworn before me at Montreal this 30th day of March, 1846.

J. BELLE, J.P.

Also,

Quebec Library Association.

Report of the Quebec Library Association for year 1845, as follows:--

The Board of Directors of the Quebec Library Association, in accordance with the 8th Clause of the Act Incorporating the said Association, passed at the last Session of Parliament, 17th March, 1845, to wit:--

"VIII. And be it enacted, that the said Corporation shall be bound to transmit yearly, to each of the three branches of the Legislature during the first fifteen days of the Session thereof, a detailed account of their revenues and expenditures, shewing also the nature and extent of the immoveable property possessed by them, and the revenue derivable therefrom,"

Respectfully state that the revenue of the Association for the past year amounted to £455 15s. 6d., obtained as follows:--

	£	s.	d.
To balance on hand, 2nd January, 1845 ...	105	14	11
Subscriptions collected from 399 Members	320	7	6
do do for the year 1846 ...	26	0	0
Amount received for paper sold, &c. ...	3	13	6
	£455	15	6

And that the expenditure of the Society was £364 12s. 11d. in detail as follows:--

	£	s.	d.
By Cash paid for books	48	11	1
do papers and periodicals ...	67	16	5
do binding	5	11	11
do printing and advertising ...	16	5	9
do salaries of Librarian and Superintendant	103	6	8
do light and fuel	46	13	5
do insurance	7	10	0
do postages...	21	0	5
do sundries	14	5	0
do lecture room	10	11	4
do collecting subscriptions ...	0	5	0
do repairs to building	1	11	0
do incidental expenses ...	21	0	4
	364	12	11

	£	s.	d.
Balance in City Bank	91	2	7
	£455	15	6

And that the Association is not yet possessed of any immoveable property.

All which is humbly and most respectfully submitted.

J. C. FISHER, L.L.D.
President, Q.L.A.

Quebec, 27th March, 1846.

Also,

Insane and Foundlings. Report of the Insane and Foundlings in the General Hospital, (Soeurs Grises) Montreal, from 1st July, 1844, to 1st January, 1846; and the Report of the Commissioners for the relief of Insane and Invalid Persons in the District of Quebec, with Estimate of Expenditure for Invalids and Foundlings from 1st January to 31st December, 1846.

(For the said Reports see Appendix Q.)

Petitions laid on the table. The following Petitions were severally brought up and laid on the table:--

By Mr. Armstrong,--The Petition of François X. Lambert and others, from near Lake Mandeville, in the District of Three Rivers; and the Petition of Charles Emond, Esquire, President and others, Administrators of the Academy of Berthier, in the District of Montreal.

By Mr. Cameron,--The Petition of the Reverend M. M'Donagh, of Perth, in the District of Bathurst; the Petition of John A. Gemmill and others, of the District of Bathurst; the Petition of William Bowes, of the 5th Concession, of the Township of Ramsay, in the District of Bathurst; and the Petition of John Ritchie and others, Trustees of the Baptist Church of Perth, in the County of Lanark.

By Mr. Batts,--The Petition of S. Jones and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Chalmers,--The Petition of Caleb Hopkins, Esquire, and others, of Hamilton, and of Trafalgar, and other Townships, in the District of Gore; the Petition of Joseph Ireland and others, of the Township of Nelson, in the District of Gore; and the Petition of J. P. Gage and others, of the Townships of Nelson and Saltfleet, in the District of Gore.

By Mr. Cummings,--The Petition of Abraham Schooley and others, of Londonderry, in the District of Niagara; and the Petition of John Graybill, Esquire, and others, of the Township of Wainfleet, in the District of Niagara.

By Mr. Brooks,--The Petition of the Reverend Henry Wilkes, A.M., and other Ministers of the Gospel, constituting the Ministerial Association of the City of Montreal.

By the Honourable Mr. Moffatt,--The Petition of the Reverend William Dawes and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and the Petition of Robert Fleming Gourlay.

By Mr. Williams,--The Petition of James W. Sharrard and others, of Pickering, and other Townships in the Home District.

By the Honourable Mr. Robinson,--The Petition of the Reverend John A. Mulock and others, members of the United Church of England and Ireland, in the Townships of Tiny and Tay, in the District of Simcoe, in the Diocese of Toronto.

By Mr. Prince,--The Petition of Mrs. Catherine M'Lennan, widow of Hugh M'Lennan, late doorkeeper to the Legislative Assembly.

By Mr. Boulton,--The Petition of Mrs. Julia Bell, of the City of Toronto, widow of the late AEneas Bell.

Petitions referred: Rev. W. Bell.

Ordered, That the Petition of the Reverend William Bell, Moderator, on behalf of the Synod of the Presbyterian Church, in Canada, in connection with the Church of Scotland, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

Talbot Municipal Council.

Ordered, That the Petition of the Municipal Council of the District of Talbot; and the Petition of D. M'Dougal and others, freeholders and inhabitants of Upper Canada, be referred to the Select Committee on Railroads.

Wild Fowl Protection Bill.

Mr. Taché, from the Select Committee to which was referred the Petition of the Honourable Antoine Gaspard Couillard and others, of the County of L'Islet, presented to the House the Report of the said Committee, which was again read at the Clerk's table and is as followeth:--

(68)

Your Committee having taken into their consideration the Petition referred to them, have the honour to report, that the prayer of the said Petition ought to be granted, and measures adopted to meet the views of the Petitioners.

Ordered, That Mr. Taché have leave to bring in a Bill for the better preservation of certain Wild Fowl, in the County of L'Islet.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Private Bills.

The Honourable Mr. Morin from the Standing Committee on Private Bills, presented to the House the third Report of the said Committee; which was again read at the Clerk's table, and is as followeth:

Unitarians.

Your Committee have considered the Petition of the Reverend W. Adam and others, of Toronto, praying that the Societies of Unitarian Christians may be placed upon an

equality with other religious bodies, and have decided to recommend the prayer thereof, so far as relates to the Congregation of Unitarian Christians of Toronto only.

Margaret Havener. Your Committee have also considered the Petition of Margaret Havener, praying for a pension, her husband having been killed at Odelltown during the Rebellion; but they consider that the subject of the Petition is more properly one for the consideration of the Executive Government, and they therefore abstain from giving an opinion as to its merits.

R. E. Burns. The Petition of Robert Easton Burns, Esquire, Judge of the Home District Court, praying to be permitted to practise as a Barrister and Counsel in the Courts of Equity, has also come under their consideration; Your Committee are aware of the propriety, as a general principle, of confining the Judges exclusively to the duties of their office, but they have ascertained that in the present case the prayer of the Petitioner may be granted without any concurrence of jurisdiction, and without any interference with, or prejudice to, his official duties, and also without obliging him to leave Toronto, where his principal duties as a Judge are to be exercised; they therefore recommend it to the favourable consideration of your Honourable House.

Niagara Plank Road. They have also examined the Petition of Charles Richardson, Esquire, and others, praying that the Act incorporating the Niagara and Ten Mile Creek Plank Road Company may be so amended as to allow them to alter the place of termination of the said road in the Town of Niagara, and to authorise them to make a water course from the Welland Canal to Niagara; and they perceive upon inquiry, that the notice given by the Petitioners, applies only to the latter part of the above prayer; but Mr. Dickson, a Member of Your Honourable House, who has charge of the Petition, having informed the Committee that the other object may remain over for the present, without detriment to the interests of the Company, they therefore recommend that that part of the prayer of the Petition which relates to the construction of a water course from the Welland Canal to Niagara be complied with, upon condition that the Company enter into such arrangements as may be necessary with the Board of Works.

Beauharnois Plank Road. The Petition of William Bowron and others, praying to be incorporated as the Beauharnois Plank Road Company, having again been referred to your Committee, and the rules of your Honourable House relating to the publication of notice having been suspended, so far as relates to the said Petition, your Committee have accordingly considered the same, and are convinced of the usefulness of the undertaking; but as it is the first instance of a toll road being prayed for in Lower Canada, as far as your Committee are aware, they recommend that the matter be well considered in entertaining the Bill that may be presented to your Honourable House in relation thereto. They would suggest that at any time hereafter the Government should have power to assume to itself the contemplated road, upon paying five per cent. over the estimated value thereof at the time.

Also, that the maximum of tolls be fixed in the Bill, and generally that the provisions for protecting the public interests, inserted in the late Acts for erecting toll bridges, be applied to this case as far as practicable.

Your Committee, while on this subject, feel it their duty to call the attention of your Honourable House to the propriety of adhering strictly to the standing orders concerning notices and publications, in matters of tolls and exclusive privileges, as the interests of third parties might otherwise frequently be interfered with, much to their prejudice, and without their knowledge.

Magdalen Islands.

Mr. Christie, from the Select Committee to which was referred the Petition of Joseph Cormier, Esquire, and others, of the Magdalen Islands, in the County and District of Gaspé, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have taken into consideration the Petition of Joseph Cormier and others, inhabitants of the Magdalen Islands, in the Gulf of St. Lawrence, earnestly praying, for the reasons set forth in their Petition, that those Islands be not detached from this Province and annexed to the neighbouring Province or Government of Prince Edward's Island; and your Committee are of opinion that the prayer of the Petition ought to be granted, and accordingly recommend, that an humble Address be presented to His Excellency, the Administrator of the Government, requesting that His Excellency will be graciously pleased to interpose his good offices with the Home Government in behalf of the inhabitants of those Islands,--for the most part Acadians of French origin, descendants of the colonists of L'Acadie (now the Province of Nova Scotia), originally colonized by France, whose religion, language, usages, and interests, are identified with those of the majority of the inhabitants of Lower Canada--to prevent the annexation they apprehend, of those Islands, to the Government of Prince Edward's Island, and that the concurrence of the Honourable the Legislative Council be requested to the Address of your Honourable House, to His Excellency on this subject.

Marriages and Baptisms Bill, (Presbyterian Synod.)

Mr. Colville, from the Select Committee to which was referred the Petition of Isaac Law and others, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the said Petition, which prays that the laws relating to the solemnization and registering of marriages, and registering baptisms, be so amended as to extend the privileges thereof to the Associate Presbyterian Synod of North America, and they beg leave to recommend that the prayer thereof be granted.

Ordered, That Mr. Colville have leave to bring in a Bill to enable the Ministers of the Associate Presbyterian Synod of North America to keep Registers of Baptisms, Marriages, and Burials, performed by them, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a

second time on Monday next.

Report on Printing. Mr. Gowan from the Standing Committee on Printing and Binding, presented to the House the First (69) Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee met on the second instant, and caused to be inserted in each of the Newspapers published in this City, an Advertisement for Tenders for the Daily Printing of your Honourable House.

Your Committee again assembled on this day, when they had laid before them three Tenders only, as follows:--

	Composition per 1000 ems.	Press Work per Token.
From Messrs. Desbarats and Derbishire, in English and French	1 9	2 0
From Messrs. Campbell and Perrault, in English and French	1 $7\frac{3}{4}$	1 $10\frac{1}{2}$
From Messrs. Lovell and Gibson, in English and French	1 7	1 8

Your Committee have unanimously resolved to accept the Tender of Messrs. Lovell and Gibson, both on account of its being the lowest, and on account of their having performed the printing of the last Session in an expeditious and creditable manner, and to the satisfaction of your Honourable House.

Your Committee beg to remark, that, as compared with former Tenders, for work done for your Honourable House, the Tender now recommended for your adoption is considerably lower.

Ordered, That the said Report be taken into consideration on to-morrow.

Niagara Suspension Bridge Bill. Ordered, That Mr. Merritt have leave to bring in a Bill for erecting an international Bridge over the Niagara River, at or near the Falls of Niagara.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday, the fifteenth instant.

Burn's Relief Bill. Ordered, That Mr. Duggan have leave to bring in a Bill for the Relief of Robert Easton Burns, Judge of the Home District Court.

He accordingly presented the said Bill to the House, and the same was recieved and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Williams, seconded by Mr. Prince,

West Halton Election. Resolved, That the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and

Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, have leave to adjourn until Friday, the seventeenth day of April, instant, at ten o'clock in the forenoon, for the cause assigned in the first resolution reported by the said Committee, to this House, at its last sitting.

Unitarians Relief Bill. *Ordered, That Mr. Price have leave to bring in a Bill to afford relief to a certain religious congreagation, at Toronto, denominated Unitarian Christians.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time,[1]

MR. AT. GEN. DRAPER enquired if this was the same body for a congregation of which in Montreal a bill was passed last session?[2]

MR. PRICE replied that it was. ... ((and moved that the Bill)) be read a second time on Monday next.[3]

(69)

and ordered to be read a second time on Monday next.

On motion of the Honourable Mr. Aylwin, seconded by the Honourable Mr. Baldwin,

New Brunswick Boundary Line. *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to communicate to this House, such documents as may properly and conveniently be made public, in relation to the Boundary Line between Canada and New Brunswick.*

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. AT. GEN. SMITH, seconded by MR. INSP. GEN. CAYLEY[4]- Moved that this House do now resolve itself into Committee of the whole to consider the Acts and Ordnances (sic) of Lower Canada, establishing the Trinity Houses of Quebec and Montreal.[5]

(69)

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Cayley,

Trinity Houses Quebec and Montreal. *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the expediency of repealing the Acts and Ordinances of Lower Canada, establishing the Trinity House of Quebec and Montreal, and regulating Pilots and Pilotage, with a view to the substitution of further enactments on the same subject.*

The House accordingly resolved itself into the said Committee.

Mr. Murney took the Chair of the Committee,

MR. AT. GEN. SMITH. The laws respecting the Trinity Houses of

Quebec and Montreal are about to expire, and the resolution he was going to move, was merely to the effect that it was desirable to repeal present laws, and in order that he might be enabled to introduce a bill in their stead.[6]

MR. AYLWIN: He considered it his duty as a Representative of the city of Quebec, to do all he could to carry out the views of the Government on this subject; and if the bill should be of such a nature as he could conscientiously vote for, he would be happy to assist in carrying it out.[7]

(69)

and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Murney reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

On motion of Mr. Cameron, seconded by Mr. Lantier,

Clergy Reserves. *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that he may be pleased to lay before this House copies of any correspondence, memoranda, or recommendations that may have taken place between the Government of this Province, and the Colonial Secretary, on the subject of the sale or management of the Clergy Reserves.*

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Chauveau, seconded by Mr. Sherwood of Brockville,

Oxford Election. *Resolved, That for the reasons stated by the Chairman, to wit:--"the permission given this day to the Parties to adduce evidence in relation to the list of objected votes, and the distance at which the witnesses to be brought for that object reside;" the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, have leave to adjourn until Tuesday the twenty-first day of April instant, at the hour of nine o'clock, A.M.*

Huron Rates and Taxes Bill. *Ordered, That the Honourable Mr. Cayley have leave to bring in a Bill to provide for the recovery of the rates or taxes intended to be imposed by certain By-laws of the District Council of the District of Huron.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Toronto Building Society Bill.

Ordered, That Mr. Boulton have leave to bring in a Bill to extend the provisions of the Act, incorporating the Montreal Building Society to the several Cities and Towns in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next. (70)

MR. CHRISTIE[8] moved for the appointment of a Select Committee to examine the public accounts.[9]

MR. BALDWIN wished to know whether the leader of the Government approved of the course pursued by the hon. member for Gaspé. He (Mr. B.) considered it to be contrary to English precedent.[10]

MR. AT. GEN. DRAPER: It is the course pursued last Session.[11]

MR. AYLWIN said, it was true he agreed last Session to an enquiry, by a Committee of the House, into the public accounts; but he thought that with a Government properly constituted such an enquiry was perfect nonsense. This enquiry ought to take place in the Committee of the whole House. The report of the Committee last Session proved that under the Baldwin LaFontaine Administration every farthing, every stiver, had been honestly expended. By appointing such a Committee you create an imperium in imperio.[12]

MR. CHRISTIE was astonished at the hon. member for Quebec. Would he not consent to mete out to the present Administration the same measure of justice that he required for the late Ministry? It would be a pretty kind of Responsible Government if, under it, the House, by a Committee, could not examine the accounts, as it is impossible, when the House is sitting in Committee of the whole, to look into them thoroughly.[13]

MR. SOL. GEN. SHERWOOD was of the same opinion as the hon. member for Gaspé. If the contrary course was adopted, a Government might say, we are strong enough to prevent enquiry, and we will not allow the accounts to be examined, and thus the door would be open to the greatest corruption. It is enough that the Government must take the initiation in all money grants; but then the House would not do their duty if they did not see that these grants were faithfully expended. The present Government did not wish to stifle enquiry, and information could do no harm.[14]

Consolidated Revenue Fund.

Resolved, That the Accounts and Statements respecting the Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, for the year 1845, as laid before this House, by command of His Excellency, the Administrator of the Government, on the 3d instant; be referred to a Select Committee of eleven Members, to examine and report thereon with all convenient speed, and from time to time, if they shall see fit; with power to send for persons, papers, and records; and that (70)

the said Committee be composed of Mr. Christie, the Honourable Mr. Moffatt, the Honourable Mr. Robinson, Mr. Hale, Mr. Leslie, Mr. DeWitt, Mr. Petrie, Mr. Brooks, Mr. Cameron, Mr. LeMoine, and Mr. Thompson.

Instruction to Committee. *Ordered, That it be an Instruction to the said Committee to resume the examination of such accounts as have remained unexamined from the last Session.*

Adjournment. *The Honourable Mr. LaFontaine moved, seconded by Mr. Leslie, that when this House doth adjourn on Thursday next, it will adjourn until the Monday following.*[15]

MR. LAFONTAINE.[16] And he took that opportunity[17] now in pursuance with the notice he had given yesterday, ((to)) proceed to lay before the House, the correspondence which had taken place relative to changes in the Ministry. It was a duty that he owed to[18] the other side of the House, to his own friends and to himself. There could be no doubt in the mind of any member of the House, that a correspondence of some kind had taken place, relative to certain ministerial changes. He was one of those with whom that correspondence had taken place, through the medium of an hon. gentleman who did not belong to that House[19]. It had taken place ... during the fall of last year, and was very suddenly discontinued on the 26th of November last.[20] Since that time[21] he had an interview with the hon. gentleman who had entered into the correspondence with him (Mr. L.) and had obtained his permission to use[22] the documents in his possession[23], when and where he should see fit[24], for the information of the House.[25] As a member of this House, it was ... suggested to him[26] upon a former occasion[27] by some members that he should publish the correspondence, but he (Mr. L.) did not think proper to[28] speak very particularly about it; but since that time his friends on his own side of the House, had had a meeting to discuss the subject - in doing which they only followed the example of the supporters of the Government[29], the members on the other side of the House[30], and had passed some resolutions, by which he was called upon to declare whether[31] he was a party to the negotiation[32] and if so, to show[33] the correspondence. He stated that he was a party, and read the correspondence, and his friends have not only authorized but requested him to state the nature of the correspondence to the House, as both they and their constituents were interested in it. He had to wait a proper time to do so, and he was not a little surprised[34] yesterday to receive from the hon. gentleman (Mr. Caron) a note stating that he (Mr. Caron) was determined to give publicity to the[35] whole[36] correspondence; and as the hon. gentleman has offered to publish the correspondence, he would only be following his example if he did so now, and he considered that it was a duty which he owed to his party and to himself[37], to lay the matter before them in his place in Parliament, rather than to allow it to appear, for the first time, in the newspapers.[38] As early as the 19th of September last, he received from the Hon. Mr. Caron, Speaker of the Legislative Council, two letters dated the 7th and 8th of September respectively which he would now read. The hon. gentleman then proceeded to read the letters in French[39].

COL. PRINCE[40] interfered here. He rose to question of order; he would ask the hon. member to read it in English first, or at least when he comes to Mr. Draper's part of the correspondence, as he wished to make a motion.[41]

MR. LAFONTAINE stated that he intended to read the letters in both languages and proceeded to do so.[42]

COL. PRINCE rose to order. He intended to make a motion; he objected to reading of correspondence, which he thought should not be read in this House. He would ask the hon. member one question, and if he answered it, he would make a motion.[43] Il ajouta que la chambre était au fait de ce qu'il prétendait faire par cette motion.[44]

SIR A. MACNAB, the Speaker, called MR. PRINCE to order. He did not think the hon. member (Mr. Prince) could interrupt the hon. member (Mr. Lafontaine) - in reading the letters. He considered the hon. member in order in doing so.[45]

The reading of the letters was accompanied by loud cries of (hear, hear) from the hon. gentleman's side of the House.[46]

COPIE

Extrait d'une Lettre de M. Caron
à M. LaFontaine.

QUEBEC 7 Sept. 1845,

Mon cher ami,

Je me fais un devoir de vous écrire la substance d'une conversation que j'ai eue il y a quelque tems à Montréal avec M. Draper, dans laquelle il m'a manifesté le désir de voir quelques-uns de nos amis se joindre à l'administration; voici ce dont il s'agit.

Dés l'été dernier, M. Draper sans être aussi explicite qu'il l'a été cette fois, m'avait fait entendre qu'il serait bien flatté de voir quelques Canadiens-Français faire partie de l'Administration, autres que ceux qui y sont déjà. Il m'avait mentionné Morin comme un de ceux-là; et tout en me disant qu'il regardait comme impossible de vous y voir entrer vous même, à raison des difficultés personnelles existant entre vous et le gouverneur, il me donna à comprendre qu'il y avait moyen de faire disparaître cet obstacle, en vous pourvoyant autrement. Quant à M. Baldwin, il parut être sous l'impression qu'il serait disposé à se retirer de lui-même, et semblait même avoir des informations sur le sujet. Je regardai tout cela comme de simples confidences que je devais garder pour moi, vu qu'il ne m'avait pas autorisé à les communiquer. Quelques jours avant mon départ pour Montréal, je reçus de lui une note me rappelant cette couversation (sic) et me priant de lui communiquer les difficultés que je voyais à un rapprochement, afin, disait-il, de

s'assurer s'il n'y aurait pas moyens de les faire disparaître. Je lui répondis que devant aller à Montréal, je le verrais et lui ferais là ma reponse.

En effet l'ayant rencontré, après avoir fortement insisté sur les avantages que le public en général, et particulièrement la partie française de la population, retireraient d'avoir dans le Conseil en pays des personnes connaissant les besoins de tous et en état d'y pourvoir; après m'avoir représenté le tort que notre isolement causait au Bas-Canada en entier, mais plus particulièrement à notre portion de sa population, il m'a dit qu'il y avait des difficultés, mais qu'il fallait voir s'il n'y avait pas moyen de les surmonter. La première était de pourvoir de situations les nouveaux venus. Là-dessus il m'a dit que Mr. Viger serait facilement induit à se retirer et que Mr. Papineau ne demandait pas mieux; que ces deux situations devaient être remplies par des Canadiens-Français; il m'a paru désirer voir Morin Président du Conseil mais à tout évènement pour cette place, il voulait un Canadien. Il a parlé de la situation de Solliciteur Général qui devait être occupée par un de notre origine, et qui, quoique ne fesant pas nominalement partie du ministère, n'en exercerait pas moins une grande influence sur la conduite des affaires. Il a aussi parlé de la situation d'un Assistant Secrétaire qui fournirait à son homme des émolumens respectables et qui devait être remplie par quelqu'un ayant ou devant avoir un siège dans le Parlement. Voici à peu près tout ce qu'il pouvait offrir pour le moment à nos amis, qu'ils pourraient eux-mêmes ensuite travailler à faire leur part plus considérable.

Une autre difficulté qu'il a signalée était relative à vous-même. A votre sujet il a dit que rien ne lui ferait plus de plaisir que de vous avoir pour collaborateur; mais que le gouverneur et vous ne pouvant vous rencontrer, il fallait renoncer à vous voir faire partie de l'Administration tant que Lord Metcalfe serait au pouvoir; mais qu'il serait injuste de sacrifier un homme de votre importance et de votre mérite; que vos amis serait (sic) blâmables s'ils le fesaient, mais que l'on était prêt à faire disparaître cette difficulté en vous plaçant de manière à vous satisfaire. J'ai compris où il m'a dit que l'intention était de vous mettre sur le Banc.

Quand à M. Baldwin, il n'en a pas dit grand chose; mais j'ai compris comme dans la première conversation dont je vous ai parlé, qu'il comptait qu'il se retirerait de lui-même. Il m'a dit qu'il y avait d'autres détails sur lesquels il était sûr que l'on pourrait s'entendre. Tout ceci m'a été dit avec permission de le communiquer, et même avec prière de faire tout ce qui dépendrait de moi pour effectuer un rapprochement et pour engager quelques-uns des nôtres à prendre dans le conseil les sièges que l'on pouvait faire vider pour le moment.

Je dois vous dire que je suis d'avis que l'état dans lequel nous sommes ne peut pas durer.... Ce qu'on nous offre est peu de chose, mais ce pourrait être le commencement de quelque chose de mieux.... Il est très possible que je voie mal les choses, mais il me semble que cette ouverture vaut bien la peine qu'on y réfléchisse; je vous la communique dans cette vue afin que vous y pensiez, avec liberté de la communiquer, mais la chose doit être faite avec discrétion....

Tout à vous,

ED. CARON.

COPIE

Lettre de l'Hon. E, Caron à M. LaFontaine.

(PRIVEE.)

QUEBEC, 8 Sept. 1845.

Mon cher ami,

Vous recevrez avec la présente la lettre que je vous ai écrite hier bien à la hâte, mais qui contient pourtant un récit correct, en substance du moins, de ce qui s'est passé entre M. Draper et moi, et aussi un exposé succinct mais sincère de mes opinions présentes sur l'important sujet qui y a donné lieu. Quelque soit votre manière de voir les choses, que vos vues s'accordent ou non avec les miennes, j'espère que vous me rendrez la justice de croire que les motifs qui me font agir dans cette circonstance sont honnêtes et désintéressés.

Tout ce que je me suis proposé était de faire part à vous et à M. Morin, de l'ouverture qui m'avait été faite, bien déterminé à ne pas pousser la chose plus loin, si vous êtes d'avis que l'arrangement proposé ou tout autre qui pourrait mettre de nos gens au pouvoir, sont impossibles dans les circonstances. Si tel est le cas, je le regretterai sincèrement, mais je me résignerai et attendrai des circonstances plus favorables.

Quant à la partie de la transaction qui vous regarde, je ne la mentionne seulement pas, étant d'avis que d'après votre position vous devez regarder cette affaire comme s'il s'agissait d'un autre et que vous n'eussiez rien à y faire personnellement.

Il n'est pas nécessaire de vous dire que ma lettre d'hier est d'une nature confidentielle; qu'elle ne doit être communiquée qu'à Morin et à tels autres amis dont vous êtes sûr, puisque si la démarche entreprise était sans résultat, il serait mieux pour tout le monde que la chose restât entre nous. Ecrivez-moi au plutôt et dites moi ce que vous pensez qu'il serait à propos de faire.

Tout à vous,

ED. CARON.

Lettre de M. LaFontaine à M. Caron.

Montréal, 10 septembre 1845.

Mon cher ami,

Je m'empresse d'accuser la réception de votre lettre en date du 8, ainsique (sic) de celle qui l'accompagnait. Ces lettres ne me sont parvenues que tard hier dans l'après-midi. Selon votre désir, je les

ai communiquées à notre ami Morin.

En répondant à votre communication, je ne réponds que pour moi seul; et je le fais comme je l'eusse fait, si mon nom n'avait pas été mêlé à vos entretiens avec M. Draper.

Bien que la nature et le but de ces entretiens, en autant que j'y suis concerné, me justifieraient de m'abstenir d'exprimer une opinion, cependant, consultant votre désir, je sois au sentiment de l'amitié que je vous porte, de vous dire franchement ma pensée, mais seulement sur ceux des points de votre lettre, auxquels je me crois appelé à répondre.

Je dois d'abord vous faire remarquer que j'infère de la teneur de votre lettre, quoique cela n'y soit pas exprimé en termes précis, que vous êtes d'opinion que dans les circonstances où se trouve le pays, la majorité de chaque province doit gouverner respectivement, dans le sens que nous attachons à cette pensée, c'est à-dire que le Haut-Canada doit être représenté dans l'administration du jour par des hommes possédant la confiance du parti politique de cette section de la province qui est en majorité dans la chambre d'assemblée, et qu'il en devrait être de même pour le Bas-Canada. Soit; et si c'est là votre opinion, il me semble qu'elle vous fournit les moyens d'offrir à M. Draper des raisons "fortes et irrésistibles" pour soutenir un avis que vous lui auriez donné en harmonie avec cette opinion. Ces raisons se présentent d'elles-mêmes, sans qu'il soit besoin de les énoncer en détail.

L'administration actuelle, quant au Haut-Canada, est formée sur ce principe, mais pour le Bas-Canada sa formation repose sur un principe contraire. Pourquoi cette distinction entre les deux sections de la province? N'y a-t-il pas dans ce fait là seul une pensée d'injustice, d'oppression même?

La voie qu'a prise M. Draper pour obtenir le résultat qu'il désire, me parait être inconstitutionnelle. Personne n'est responsable de la démarche par suite de laquelle vous m'écrivez. Vous n'êtes pas chargé de réorganiser, soit en tout, soit même en partie, l'administration dont il est membre. Vous n'assumez aucune responsabilité. C'est ce qui, au premier abord, m'a fait hésiter à vous faire part de mes opinions. S'il en eût été autrement, vous auriez eu le droit d'exiger d'un ami qu'il vous donnât son avis sur ce que vous auriez eu à faire, et en pareil cas je me serais fait un devoir de répondre à votre appel, sans omettre aucune partie de vos demandes, et sans crainte de compromettre qui que ce soit.

Si donc aujourd'hui je réponds sur quelques points, vous devez croire que je ne le fais pas sans quelqu'hésitation.

Ce que l'on vous propose est une répudiation du principe de la responsabilité, en tant qu'il s'agit de son application au Bas-Canada. Puisque M. Draper admet que la section Bas-Canadienne du ministère ne représente pas le Bas-Canada, pourquoi la maintenir? Pourquoi, suivant vos principes, ne pas former une nouvelle administration pour le Bas-Canada, à l'aide de quelqu'un qu'on chargerait constitutionnellement de le faire? Une administration ainsi formée serait forte de l'influence que lui donnerait l'appui de la majorité de nos représentans (sic), ferait prévaloir cette influence légitime dans les conseils, et en retour

donnerait au pays toute la garantie qui résulte nécessairment du contrôle qu'exercerait sur elle l'opinion publique. C'est alors, et alors seulement que vous pouvez vous flatter d'avoir dans une administration, pour faire usage de vos propres termes, "des personnes disposées et capables de soutenir nos intérêts."

Mais l'on vous dit: nous voulons seulement nous adjoindre quelques Canadiens comme Canadiens-français. De ce moment, ceux qui entrent ainsi au ministère y entrent non par suite d'un droit constitutionnel, non par l'action de l'opinion de leurs compatriotes, mais uniquement par suite de la faveur, du bon plaisir d'un gouverneur. De ce moment l'expérience nous l'apprend, ils sont sans influence; ils ne sont plus des agens libres, ils ne sont que des instrumens entre les mains de ce gouverneur, pour faire mal comme pour faire bien. S'ils ont quelque capacité et quelque talent, ils les font tôt ou tard servir à jeter la division parmi nous. D'un côté ils cessent bientôt de sentir le frein salutaire de l'opinion de leurs concitoyens; de l'autre, ils s'accoutument à ne consulter que leurs intérêts personnels et souvent même leurs passions. Ils n'obéissent plus qu'aux volontés arbitraires d'un gouverneur. Voulez-vous que je vous cite des exemples? En voici: M. Dominique Mondelet croyait sans doute être utile à ses compatriotes, lorsque sous lord Aylmer il accepta une place dans le conseil exécutif. Nous l'avons vu presque de suite renier son passé, et plus tard nous l'avons vu voter la suspension des juges Panet et Bédard, et servir lui-même d'avocat à ce tribunal illégal de la cour martiale. Cependant on l'avait appelé au conseil comme Canadien-français. C'est à ce titre que plus tard à une époque assez mémorable nous avons vu MM. De Bartzch, Heney, Quesnel, Louis Panet prendre siège dans le conseil exécutif. Ils croyaient sans doute pouvoir y servir les intérêts de leurs compatriotes. Ils ont fini par y voter la suspension de notre constitution représentative!!

Dans ces derniers temps nous avons encore vu entrer au conseil, par la même porte, MM. Viger et Papineau. Ils ont dit, comme les autres, qu'ils pensaient y être utiles à leurs concitoyens d'origine française. Cependant un de leurs premiers actes, commis au grand jour, a été de nous donner pour orateur une personne que nous devons estimer sans doute, mais qui n'entend pas un seul mot de notre langue, et de repousser la candidature d'un Canadien-français, parlant également les deux langues, bien que la voix reconnaissante de leurs compatriotes l'appelât unanimement à cette haute charge. Nous nous plaignons, et surtout vous, du district de Québec, de la répartition injuste des deniers publics dans la dernière session. A qui le devons-nous? Sous les auspices de qui cette répartition a-t-elle été faite? Que MM. Viger et Papineau vous répondent.

Cependant toutes ces personnes invoquaient leur qualité de Canadiens-français pour accepter des places. Tous portaient des noms plus connus que celui de M. Taschereau qui, comme eux, n'entre dans l'administration qu'au même titre, et par la même porte, avec la meilleure volonté du monde, de bien faire sans doute. Le même sort l'attend. Un peu plus de division parmi les Canadiens, avec tous ses malheureux effets, voilà

tout ce que nous avons à attendre d'un système qu'un journal de Quebec vient de proclamer au grand jour, et que je ne puis qualifier autrement que de système de chercheurs de places. Je suis, je vous l'avoue, encore à apprendre ce que ce système peut procureur de bon.

S'il était deux noms qui passent, sous ce système, faire espérer qu'ils exerceraient dans le conseil quelque influence; s'il était deux noms auxquels une administration devait quelque reconnaissance pour s'être adjoints à elle comme Canadiens-français, ces deux noms étaient certainement ceux de Viger et Papineau. Et cependant voilà que M. Draper vous apprend que Son Excellence est prête à leur donner leur congé!! Est-ce au moins pour former une nouvelle administration pour le Bas-Canada? Oh, non, c'est uniquement pour faire un replâtrage d'une administration que M. Draper avoue ne pas représenter le Bas-Canada; et que l'on voudrait refaire en substituant aux noms de Viger et Papineau, deux autres noms Canadiens-français à l'aide desquels l'on espérait sans doute créer parmi nous un peu plus de division que n'en n'ont créé ceux des premiers. Puisque l'on Veut ainsi congédier MM. Viger et Papineau pourquoi ne congédie-t-on pas également MM. Daly et Smith? Est-ce que ces deux derniers représentent plus de Bas-Canada que les deux premiers? Ceux-ci du moins peuvent invoquer un passé, tandis quelles deux autres n'ont qu'un présent, et je vous en laisse le juge.

Pauvre M. Viger, si c'est là le traitement qu'on lui destine, traitement que l'on dit être prêt à lui administrer, je ne suis pas surpris de voir pour ainsi dire tous les officiers du gouvernement ne parler de lui qu'avec dérision. Deux hommes ainsi placés, ainsi traités, peuvent-ils exercer une grande influence sur les déliberations du conseil, et y faire respecter les intérêts de leurs compatriotes? Si cette influence y est nulle, comme on doit le présumer d'après les aveux de M. Draper, M. Taschereau qui ne vient qu'à leur remorque, et à qui, de plus, la porte du conseil est fermée, peut-il s'attendre à faire mieux qu'eux? Voila où nous conduira, ou plutôt voilà l'état de choses que perpétuera ce système d'accepter des places à tout prix. Ce qu'il faut avant tout aux Canadiens-français c'est de rester unis et de se faire respecter. Ils se feront respecter dans le conseil et y exerceront la légitime influence qui leur est due, non quand ils n'y seront représentés que par des instrumens passifs du pouvoir, quelqu'en soit le nombre, mais bien quand ils y seront constitutionellement (sic) représentés par une administration Bas-Canadienne formée en harmonie avec des principes que l'opinion publique ne désavoue pas.

La démarche qu'a faite auprès de vous Mr. Draper, a toute la ressemblance du monde avec celle que Mr. Sullivan fit auprês de vous et moi à Québec en Juillet 1842. On reconnaissait alors que l'administration du tems (sic) qui était celle que Lord Sydenham avait léguée à Sir Charles Bagot, ne représentait pas le Bas-Canada. On voulait comme aujourd'hui y ajouter un ou deux noms français seulement comme Canadiens-français. Vous savez tout ce qui s'en est suivi; je n'ai pas besion de vous le rappeler. La même scène est sur le point de se renouveller, ou je me trompe beaucoup, à moins que le système d'accepter des places à tout prix, ne vienne, en comblant les voeux des chercheurs de places, jeter nos compatriotes dans une division et une faiblesse mortelle.

Lord Metcalfe est le Lord Sydenham, et son successeur sera le Sir Charles Bagot.

J'en viens donc à une conclusion sur laquelle vous ne pouvez pas vous méprendre. C'est qu'en fait d'administration le Bas-Canada doit avoir ce qui est accordé au Haut-Canada; rien de plus, mais aussi rien de moins.

Voilà l'expression sincère de mes vues. Si je me trompe l'erreur est mienne. Je le regretterai sans doute; mais advienne que pourra; je désire avant tout rester en paix avec mes convictions qui sont ma conscience.

Je ne puis terminer sans vous dire un mot sur ma position à l'égard de mes amis politiques. Je l'ai souvent dit et je le répèterai encore, c'est qu'aucune considération qui me soit personnelle, ne doit les empêcher, de former partie d'une administration qui, pour le Bas-Canada, serait organisée d'après les principes constitutionnels qui doivent diriger notre conduite.

Je ne servirai jamais d'instrument pour diviser mes compatriotes. Si l'on forme une administration qui mérite ma confiance, je la soutiendrai de bon coeur. Si cette administration n'a pas ma confiance, mais qu'elle possède celle de la majorité de mes compatriotes, ne pouvant la soutenir, je me retirerai volontiers de la Représentation, plutôt que de jeter la division dans nos rangs. Si, sous le système d'accepter des places à tout prix, il est des personnes qui, pour un avantage personnel et momentané, ne craignent pas de détruire le seul bien qui fait notre force, l'union entre nous, je ne veux pas être et ne serai jamais de ce nombre.

N'ayant aucun désir de tenir secrètes mes pensées ou mes vues politiques, je vous permets de faire de cette lettre l'usage que vous jugerez convenable.

Je suis avec estime
Votre ami dévoué

L. H. LAFONTAINE.

L'HON. E. R. CARON.

COPIE

Lettre de l'Hon. E. Caron à l'Hon.
W. Draper

QUEBEC, 17 Septembre 1845.

Mon cher Monsieur,

A la suite de la conversation que j'ai eue avec vous à Montréal, dans le mois dernier, je vous avais promis de me mettre en communication avec quelques personnes influentes appartenant au parti Canadien-Français, afin de voir s'il n'y aurait pas moyen d'effectuer un arrangement qui aurait pour effet de les engager à prendre part à l'administration et à se joindre au parti qui est actuellement au pouvoir. Ma dernière

lettre vous aura appris que j'avais travaillé à remplir cette promesse et vous aura mis au fait des raisons qui avaient retardé la conclusion de ma négociation. Ce n'est qu'aujourd'hui que je me trouve en état de vous instruire du résultat de mon entreprise, et dans ce que je vais vous dire, je vous parlerai avec cette franchise que vous devez attendre de moi après la confiance que vous m'avez montrée.

Si je me rappelle bien notre conversation, après avoir observé qu'il y avait dans chacune des deux sections de la Province un parti puissant, celui auquel vous apparteniez par le Haut-Canada, et celui auquel j'appartiens par le Bas, vous avez insisté sur les avantages qui résulteraient à tout le pays de la réunion de ces deux partis, de laquelle résulterait une administration forte, jouissant de la confiance de la grande majorité de la Province entière. Vous m'auriez représenté le tort causé à la partie de la population à laquelle j'appartiens, par l'isolement dans lequel nous avions été de l'administration des affaires depuis quelque tems (sic), et vous m'avez donné les meilleures raisons du monde pour faire désirer la première de ces choses et faire disparaître l'autre. Quand nous en sommes venus à l'examen des difficultés qui se trouvaient dans le chemin qui conduit à ce résultat, nous nous sommes arrêtés aux suivantes comme étant celles qui nous paraissaient les plus sérieuses.

1. Tous les sièges du Conseil étant remplis, comment faire place à ceux qu'on voudrait y introduire?

2. Serait-il juste de laisser dehors et d'abandonner certains individus influents et respectés du parti que l'on recherche, et qui cependant, à raison de leur position particulière, ne pourraient faire partie de l'administration tant que le gouverneur actuel serait au pouvoir?

3. Il se trouvait actuellement dans le Conseil certains membres avec lesquels ceux que l'on voudrait adjoindre pourraient difficilement fraterniser.

Plusieurs autres détails ont été mentionnés, mais comparés à ce qui précède, ils ont été trouvés de peu d'importance, et nous avons cru qu'ils pourraient être réglés avec facilité.

Cette manière d'envisager le sujet est celle sous laquelle je l'ai présenté à ceux de mes amis que j'ai consultés, et je dois tout d'abord vous dire que je n'en ai pas rencontré un seul qui, comme vous et moi, ne désirât pas sincèrement voir mettre fin à une division qui est si préjudiciable à tout le monde. Tous sont tombés d'accord sur la nécessité d'un changement, et sont convenus que ce changement, pour être durable et satisfaisant, ne pouvait s'opérer qu'au moyen de l'union ou la coalition des deux partis les plus nombreux et les plus influents dans chaque section de la province; et je puis vous informer que j'ai trouvé les esprits bien disposés pour marcher vers ce but.

L'apropos (sic) et la nécessité de la chose étant une fois admis, il a fallu s'occuper des moyens de la faire réussir, et sur cet objet encore il n'y a eu qu'une opinion. Il a été posé en principe que la direction des affaires devait être entre les mains des deux partis dominants dans chacune des sections de la province, que l'administration ne

devait pas plus conduire le Bas-Canada au moyen d'une majorité prise dans le Haut, qu'elle ne doit imposer la loi à la majorité du Haut-Canada par suite de l'aide que lui donnerait le Bas, et qu'une administration quelconque ne devait durer que tant qu'elle serait soutenue par une majorité respective dans chacune des sections de la province.

L'on a dit que dans la partie supérieure les choses étaient telles qu'elles devaient être; que là l'administration était soutenue par la majorité, mais qu'il n'en était pas de même ici où la minorité seule soutenait le ministère qui était opposé par la majorité; que cependant il n'y avait pas de raison de ne pas mettre ici les choses sur le même pied qu'elles sont là; que ce ne pouvait être qu'à cette condition que la majorité pourrait se joindre à l'administration d'une manière honorable et conforme aux principes.

L'on n'a aucune objection quant à la manière dont elle est composée pour le Haut-Canada; l'on insiste sur le même droit pour le Bas-Canada. L'on dit que les personnes en place actuellement ne devraient pas être un obstacle à l'arrangement en contemplation, puisque d'après le système de gouvernement sous lequel nous vivons, en acceptant une situation, elles ont dû s'attendre à la céder du moment que d'autres, d'après les circonstances, seraient plus en état qu'elles de conduire les affaires d'une manière avantageuse pour le pays. L'on est d'avis que s'il est nécessaire d'effectuer dans le conseil un plus grand nombre de vacances que celles dont il a été question entre nous, l'intérêt où la convenance individuels de ceux que cette mesure atteindrait, ne devraient nullement être pris en considération. Il faudrait remplir les situations par ceux qui jouiraient de la confiance du plus grand nombre, et si l'on adoptait cette règle l'on verrait de suite disparaître la première difficulté que nous nous sommes faite, celle de trouver des situations pour ceux qu'il serait à propos et avantageux de faire entrer dans l'administration.

L'on pense que quelqu'un devrait être chargé d'élaborer et de proposer les bases du nouvel arrangement, et de soumettre les noms de ceux que l'on voudrait y faire entrer. Tout en désirant donner une majorité dans l'administration au parti qui est en majorité dans cette portion de la Province, l'on est disposé à faire à la minorité une part raisonnable dans la direction des affaires et à la voir représentée dans le Conseil d'une manière équitable. Quelques noms appartenant à cette catégorie, qui ont été mentionnés, donneront, je pense, satisfaction générale.

L'on a vivement senti la difficulté que nous anticipions tous deux, résultant de l'exclusion qu'il fallait faire de l'arrangement projeté, de certains individus influents et qui, sous d'autres circonstances, auraient dû y être admis avec avantage. Cependant en s'en tenant au principe énoncé plus haut que les personnes ne devraient pas être un obstacle à la réalisation d'un projet avantageux au pays, il a été de suite entendu que l'on n'insisterait pas pour le moment sur l'admission au pouvoir de ceux contre lesquels l'on savait exister des objections que l'on n'espérait pas faire disparaitre, persuadé que l'on était que ces personnes sauraient apprécier les motifs qui auraient fait agir leurs

amis, et qu'elles ne se croiraient pas délaissées ni sacrifiées parceque (sic) l'on aurait été forcé de céder à une impérieuse nécessité que l'on regrettait. Quant à l'un de ceux-là, M. LaFontaine, je suis autorisé à dire qu'il verra avec plaisir se former une administration jouissant de la confiance du pays, et que c'est de bon coeur qu'il soutiendrait, quoiqu'il n'en ferait pas partie, une pareille administration qui serait composée d'hommes dont il approuverait les principes. L'on m'a donc donné à entendre, et je puis à peu-près vous assurer que la seconde de nos objections est bien loin d'être insurmontable.

Quant à la troisième (la présence dans le conseil de personnes qui pourraient empêcher d'y entrer d'autres dont les services seraient nécessaires), elle se résoud par les mêmes raisons que celles qui ont été émises pour surmonter la première, et l'on dit que s'il se trouve dans le conseil quelques membres avec lesquels raisonnablement ne pourraient pas siéger ceux qui, plus qu'eux, seraient en état de faire l'avantage du pays, il faudrait bien que ces membres cédassent leur place, et en cela ils ne feraient que remplir la condition à laquelle ils se seraient soumis en entrant en office.

Ce qui précède doit vous faire comprendre que l'on est d'avis que l'administration pour cette partie de la province devrait être reconstruite; que le changement que l'on y ferait en substituant une ou deux personnes à un égal nombre de celles qui en font maintenant partie, serait sans résultat effectif, n'apporterait aucune force au ministère, ne ferait qu'isoler ceux qui accepteraient, de leurs concitoyens; que cette mesure serait en pure perte pour le gouvernement, en même temps qu'elle serait très dommageable politiquement parlant à ceux qui s'y prêteraient. Je vous assure que c'est là l'opinion de tous ceux à qui j'en ai parlé; et cela étant, ou bien vous ne trouverez personne disposé à se prêter à l'arrangement que vous avez en vue: (celui de remplacer les deux membres qui se seraient retirés), ou bien si vous trouviez quelqu'un qui le fit, celui là ne vous serait d'aucun avantage.

Telles sont les informations que j'ai pu recueillir; je les crois conformes aux idées de la grande majorité de ceux qui se mêlent d'affaires dans cette partie de la province. La réalisation de cet objet n'est pas sans difficulté, mais elle est possible, et si c'est le seul moyen que l'on ait de rétablir la paix, la tranquillité et la satisfaction dans le pays, il faudrait l'obtenir à tout prix. Je m'estimerai bien heureux, si je puis contribuer à amener ce résultat, et à cette fin comme pour toute autre qui tendrait au bien être du pays, vous pouver disposer de moi à volonté.

Espérant que vous voudrez bien excuser le peu d'ordre qui règne dans cette lettre écrite à la hâte au milieu de nombreuses occupation (sic), j'ai l'honneur de me souscrire avec la plus haute considération et la plus parfaite estime.

Cher monsieur,

Votre très humble et très dévoué serviteur,

ED. CARON.

(TRADUCTION.)

L'hon. W. Draper à l'honorable
E. Caron.

Montréal, 16 oct. 1845.

Mon cher Monsieur,

Vous n'avez peut-être pas remarqué par les journaux que j'ai été un peu plus d'un mois absent, en circuit, d'où je n'ai été de retour qu'hier, et vous voudrez bien, j'en suis sûr, me pardonner de ne pas faire plus dans ce moment que d'accuser la réception de votre lettre du 17, et de vous remercier bien sincèrement des explications franches qu'elle contient.

Vous sentirez que j'ai besoin de réfléchir avant que je puisse pleinement apprécier jusqu'à quel point mes efforts peuvent réussir à amener à un résultat favorable le sujet de nos conférences. Je désire bien ardemment et de tout mon coeur obtenir un résultat aussi avantageux; content soit de participer à cette tâche, ou d'être témoin de son succès accompli par d'autres.

Je vous écrirai aussitôt que j'aurai pu consacrer au sujet le tems (sic) que son importance exige; car personne ne comprendra mieux que vous que, tandis qu'individuellement je suis prêt à faire tous les efforts pour obtenir un but que je regarde comme si désirable, à cette fin je vous ai fait part sans réserve de mon désir de connaître quelle chance il y avait de réussir auprès de ceux avec lesquels vous êtes plus particulièrement lié, j'ai besoin de m'assurer de beaucoup de coopération de même que d'entrer dans beaucoup de consultation avec ceux avec lesquels, aussi bien que ceux sous lesquels j'agis, avant que je sois capable de vous répondre dans le même esprit que vous m'avez si obligeamment écrit etc.

W. H. DRAPER.

TRADUCTION.

L'Hon. W. Draper à L'Hon. E.
Caron

(CONFIDENTIEL)

MONTREAL 19 Nov: 1845.

Mon cher Monsieur,

D'après la confiance que vous avez bien voulu placer en moi, vous devez vous attendre à apprendre de moi ce qui, dans tous les cas, je pense, devrait être tenté pour accomplir le seul but que nous nous sommes proposé, savoir, faciliter la formation d'un gouvernement qui possèderait la confiance du pays généralement. J'ai souvent réfléchi sur le sujet, avec un bien vif désir d'effectuer une bonne intelligence avec le parti auquel vous êtes lié comme constituant la majorité de la Représentation du Bas-Canada dans l'Assemblée. La maladie de Lord

Metcalfe m'a empêché de lui soumettre la question. Mais quant au résultat de mes propres vues, je puis vous en faire part sans réserve.

Je sens fortement qu'il y a des obligations auxquelles comme homme politique et comme homme d'honneur, je ne puis manquer en ce qui regarde des tiers, tandis que d'un autre côté j'ai droit d'espérer de leur part ce que, pour des raisons publiques, je suis préparé de faire.

Maintenant je suis, comme je vous l'ai dit, prêt à céder ma place. Je n'apprécie pas assez la vie publique pour m'y cramponner, ou pour adopter une ligne de conduite autre que celle que je puis ouvertement justifier pour y demeurer. Voilà pour moi.

J'ai senti que notre conseil avait besoin d'être fortifié, et que les charges d'Orateur du Conseil Législatif et de Président du Conseil Exécutif pouvaient être réunies à l'appui ((de)) mon projet, comme moyen d'économie publique.

La position de M. Viger, je le sens, lui donne des droits à toute la considération possible de ma part. Je dois avoir pour lui, comme vous le sentirez vous-même j'en suis certain, tous les égards qui sont dûs à ses sentimens et à ses désirs. Mais je ne vous cacherai pas, et je vous répèterai ce que je vous ai déjà dit, que je considère depuis longtems (sic) l'abandon par lui de la place qu'il occupe, comme essentiel à force du gouvernement. La manière d'effectuer cette retraite est une autre considération.

Quant à mes autres collègues du Bas-Canada MM. Daly et Papineau et Smith, je puis vous dire ce que ((je)) pense de leurs sentimens, spécialement les deux premiers. Ils ne tiennent pas à garder leurs places, pour embarrasser le gouverneur actuel ou son successeur, dans la formation de son conseil. J'ai souvent eu des conversations avec M. Papineau, et d'après ce qu'il m'a dit, je suis persuadé; qu'il n'hésiterait pas un moment à se retirer pour le bien de son pays plutôt que de créer des difficultés en restant au pouvoir. Pour M. Smith, je n'ai eu aucune conversation avec lui sur la possibilité de sa retraite.

Je puis répondre pour MM. Morris et Cayley comme pour moi-même que nous ne demeurerons en charge qu'autant que nous pourrons le faire sans compromettre nos caractères comme individus, et que nous y serons utiles au public. Si ces deux bases nous manquaient, nous nous retirerions. Aucun de nous ne placerait de difficultés sur la voie d'arrangements pour la formation d'un bon gouvernement.

Ces prémisses étant posées, je désire maintenant vous faire cette question, afin de prévenir tout malentendu par la suite, et de me mettre en pouvoir d'agir franchement dans cette question vis-à-vis de ceux avec lesquels ou par l'ordre desquels je dois agir, comme je vous avais informé dans ma dernière lettre: "Quelles situations devraient être rendues vacantes, ou quels changements devraient être faits dans l'administration pour satisfaire aux justes attentes des Canadiens-Français en général, et pour obtenir leur appui?" Je ne vous demande pas de nommer vu que le temps pour une pareille proposition n'est pas encore venu; et ce ne serait pas non plus là, la manière de le faire. Mais si je puis dire distinctement ce que l'on veut comme sine qua non, je suis en position de mettre franchement la question devant ceux qui y ont droit et de

me consulter avec eux tous sur ce que nous conseillerons. Vous verrez j'en suis sûr, que je ne puis autrement agir honorablement vis-à-vis de mes collègues.

Jusqu'ici nos communications ont été restreintes à nous deux. L'estime que je porte à votre caractère, ma confiance dans votre jugement et la considération que j'ai pour la haute position que vous occupez, m'ont fait désirer une explication, afin que je pusse, en fesant connaître mes propres vues (si vous croyez devoir faire connaître les votres.) savoir quelle espérance il y avait d'un rapprochement.

Jusqu'ici notre confiance, je le crois, a été mutuelle. Votre dernière lettre contient un exposé franc et intéressant de vos vues générales et de celles de vos amis politiques. Je puis maintenant aller de l'avant du moment que j'ai votre réponse; mais comme ce que j'ai à faire est de mettre la question devant le gouverneur et mes collègues, je ne puis le faire, sans votre consentement, ayant à y mêler votre nom ainsi que l'expression de votre opinion sur la question que je vous ai posée quant au changement qu'il était nécessaire de faire. Croyez-moi, &c.

W. H. DRAPER.

L'HON. M. CARON.

COPIE.

L'hon. E. Caron à l'hon. W. H. Draper.

Québec, 26 nov. 1845.

Mon cher Monsieur,

Votre billet du 24 a été reçu ce matin. En m'annonçant le départ de Son Excellence, vous me dites que vous vous hâtez de me transmettre cette information, vu que cette nouvelle pourrait changer nos vues sur la nature de la dernière lettre que vous m'avez écrite.

En effet ce départ ne peut manquer d'avoir le résultat que vous anticipez.

Dans les communications que nous avons eues ensemble, vous savez que je ne me suis jamais donné pour chef de parti; je me suis seulement prêté, et cela je l'ai fait bien volontiers, à servir d'intermédiaire entre ceux que notre parti regarde comme ses chefs et vous-mêmes, afin de leur faire parvenir les communications que vous avez bien voulu me faire, et aussi pour vous transmettre leurs vues et leurs idées sur le sujet qui nous occupait. En m'acquittant de cette tâche, je ne vous ai pas caché mes propres opinions; mais cette partie n'étant que secondaire, toujours j'ai voulu vous faire connaître ce que voulaient et exigeaient les guides du parti avec lequel vous vouliez négocier un rapprochement. Je n'ai prêté mon ministère à cette fin que parce que je savais qu'il existait des obstacles momentanés qui empêchaient que les communications pûssent aisément se faire d'une manière directe entre l'administration actuelle et ceux auxquelles il fallait s'adresser pour atteindre le but

desiré. Les obstacles, ce me semble, n'existent plus et ne doivent plus exister, et par conséquent ma mission doit cesser avec les causes qui l'ont fait naître.

Je serais fâché pourtant que vous concluriez de ceci que je refuse d'aider à un rapprochement que nous paraissons tous deux désirer; tout au contraire, je suis prêt à faire tout en mon pourvoir pour en faciliter la conclusion. Mais comme vous avez sur les lieux ceux de qui dépend en grande partie le succès de l'arrangement, il me parait plus convenable, plus facile et plus expéditif de traiter directement avec eux, tout en vous invitant à ne vous gêner aucunement avec moi, et à m'indiquer librement de quelle manière je puis être utile.

Je suis bien sincèrement,
Tout à vous,

ED. CARON.[47]

No. 1.

(Extract of a Letter from Hon. R. E. Caron to Hon. L. H. Lafontaine.)

TRANSLATION.

QUEBEC, Sept. 7, 1845.

MY DEAR FRIEND. - I deem it my duty, to give you in writing the substance of a conversation I had some time since in Montreal with Mr. Draper, in which he intimated to me the desire he had that some of our friends should join the Administration. The following is the substance of it.

As early as last summer, Mr. Draper, without being as explicit as he was on this occasion had given me to understand that he would be very glad to see some French Canadians form part of the Administration, other than those who already composed it. He had mentioned Morin as one of the former and at the same time that he intimated that he considered as impossible, your forming part of it owing to the personal differences existing between yourself and the Governor, he gave me to understand that there would be some means devised of removing the obstacle by providing for you otherwise. As to Mr. Baldwin he seemed to be under the impression that he would be disposed to retire unsolicited and appeared to be, indeed, possessed of some information on that subject. I considered all this at the time as merely confidential and to be kept to myself, inasmuch as he had not authorized me to communicate it. A few days before my departure for Montreal, I received from him a note recalling to my recollection the conversation alluded to and begging of me to inform him what were the difficulties that stood in the way of a reconciliation in order to ascertain whether some plan could not be devised to remove them. I answered that as I was about going to Montreal I should there see him and give him my answer. Having accordingly met with him he after having strongly insisted upon the advantages that

would result to the public and particularly to the French part of the population by having in the Council of the country persons knowing the wants of all, and able to provide for them; after having represented to me the injury which our isolated position inflicted upon the whole of Lower Canada but more particularly our portion of the population, he told me that there were difficulties in the way but that we ought to consider whether there were no means to overcome them. The first difficulty was to find situations for those who were to be introduced. Thereupon he told me that Mr. Viger could be easily prevailed upon to retire and that Mr. Papineau desired nothing better; that both these situations should be filled up by French Canadians; he seemed desirous that Morin should be President of the Council; but he wished at all events to see that place filled by a Canadian. He spoke of the office of Solicitor General, which, he said, ought to be filled by one of our origin and who, although not forming nominally part of the Ministry, would, nevertheless, exercise great influence in the conduct of affairs. He also spoke of an Assistant Secretaryship, the incumbent to which ought to receive handsome emoluments, and who should have, or be able to obtain a seat in Parliament. This was about all that he could for the present offer to our friends, who, when in power, might themselves strive afterwards to make their share more considerable.

Another difficulty which he pointed out was in reference to yourself. As regarded you, he said that nothing would afford him greater pleasure than to have you as a colleague, but that as the Governor and yourself could not meet, the idea of seeing you form part of the administration must be given up so long as Lord Metcalfe remained in power; but that it would be unjust to sacrifice a man of your influence and merit; that your friends would be highly censurable if they did so; but that this difficulty could easily be made to disappear by giving you an appointment with which you would be satisfied. I understood, or rather he told me the intention was to place you on the bench.

As to Mr. Baldwin, he said little about him; but I understood, as I did in my first conversation of which I have spoken, that he thought he would retire of himself. He said that there were other details, upon which he felt very sure that we could agree. All this was told me with full permission to communicate it and indeed with an earnest request that I should do all in my power to bring about a junction of parties and to induce some of our friends to accept of such seats in the Council as could, for the present, be vacated for them. I cannot forbear telling you that I am of opinion that the present state of things cannot last. What is offered is indeed little but it might be a beginning of something better. It is very possible that I may not view the matter rightly but it does seem to me that the overtures made are worthy of consideration. I communicate them to you that you may consider of them, and you are at liberty to communicate on the subject with your friends, but this must be done with discretion.

I am, &c.,

R. E. CARON.

No. 2.

(Letter from the Honorable R. E. Caron to Mr. LaFontaine.)

QUEBEC, 8th Sept. 1845.

MY DEAR FRIEND, - You will receive with this, the letter I wrote you yesterday, which although written in great haste, contains, in substance at least, a correct account of what passed between Mr. Draper and myself, and also a succinct but sincere exposé of my general opinions on the important subject which gave rise to it.

Whatever may be your views of the subject whether they agree with mine or not, I trust, you will do me the justice to believe that the motives by which I am actuated are honest and disinterested.

All that I intended to do was to communicate to you and Morin the overtures that had been made to me, fully determined not to urge the thing further; if you are of opinion that the proposed or any other arrangement which might place our friends in power, is under the circumstances, impossible. Should such be the case, I should sincerely regret it, but I shall submit and await more favourable circumstances.

With regard to that part of the transaction which regards you, I do not even allude to it being of opinion that in your position, you ought to look upon this matter as if it had reference to another and not to yourself personally.

It is unnecessary for me to state that my letter of yesterday's date is of a confidential nature, and is to be communicated only to Morin, and such other friends as you can rely upon, for if the proposed arrangement should be without any result, it would be better for all parties that it should remain between us. Write me immediately, and say what you think is best to be done.

R. E. CARON.

No. 3. - Translation.

(Letter from Hon. L. H. LaFontaine to Hon. R. E. Caron.)

MONTREAL, 10th Sept., 1845.

MY DEAR FRIEND, - I hasten to acknowledge the receipt of your letter of the 8th instant, as well as that which accompanied it. These letters only arrived late yesterday afternoon. According to your wish I have communicated them to our friend Morin. In replying to your communication I answer only for myself, and I do so as I should have done, had my name not been mixed up in your conversation with Mr. Draper. Although the nature and the object of these conversations, in so far as I am concerned, would justify me in abstaining from the expression of any opinion, yet, in accordance with your wish, I think it due to the friendship which I feel for you, to express my opinion frankly, but only on these points in your letter to which I think myself called on

to answer. I should observe at first that I infer from the tenour of your letter, although not stated in express terms, that you are of opinion that in the circumstances of the country the majority of each Province should govern respectively in the sense, that we attach to that idea - that is to say, that Upper Canada should be represented in the administration of the day by men possessing the confidence of the political party in that section of the province which has the majority in the House of Assembly, and that it should be the same for Lower Canada. Now, if this is your opinion it appears to me that it furnishes you with the means of offering to Mr. Draper "strong and irresistible" reasons in support of any advice given in harmony with this opinion. These reasons naturally present themselves without there being any occasion to offer them in detail. The present administration, as far as regards U. C., is formed on this principle, but as regards L. C., its formation rests on an opposite principle. Why this distinction between the two sections of the Province? Is there not in this fact alone a manifestation of injustice, if not of oppression? The course taken by Mr. Draper, to obtain the results which he desires, appears to me to be unconstitutional. No one is responsible for the step owing to which you write me; you are not charged to reorganize either in whole or even in part the administration of which he is a member; you assume no responsibility. It was this which at first made me hesitate to give you my opinion. Had it been otherwise you would have had a right to demand from a friend that he should give you his advice upon what you would have to do, and in such case I would have deemed it my duty to reply to your appeal without omitting any part of your demands, and without fear of compromising any one. If then I answer you on some points, you must understand that it is not without some hesitation. What is proposed to you is a repudiation of the principle of responsibility in so far as applies to Lower Canada. Since Mr. Draper admits that the Lower Canadian section of the ministry does not represent Lower Canada, why maintain it? Why according to your principles not form a new administration for Lower Canada with the aid of some one constitutionally charged to do so? An administration thus formed would be strong with the influence that the support of the majority of our representatives would give it, and would make that influence legitimately prevail in the Council, and in return would give to the country all the guarantee which necessarily results from the controul which public opinion would exercise over it. It would be then and then only that you could flatter yourselves with having in an administration, to make use of ((on)) your own terms persons disposed to and capable of sustaining our interests.

But it is said to you - We only wish to join to us some Canadians as French Canadians. From that moment, those who thus enter the Ministry enter it not in consequence of a constitutional right, not by the action of the opinion of their countrymen, but only by favour, by the good pleasure of a Governor. From that moment, as we learn by experience, they are without influence - they are no longer free agents; they are only instruments in the hands of the Governor, to do evil as to do good. If they have any capacity or talent, they make them serve

sooner or later, to throw division among us. On the one hand, they soon cease to feel the salutary check of the opinion of their fellow citizens; on the other side they accustom themselves only to consult their personal interests, and often even their passions. They obey only the arbitrary will of a Governor. Do you wish that I should cite you examples? Here they are: - Mr. Dominique Mondelet thought without doubt to be useful to his countrymen, when under Lord Aylmer, he accepted a place in the Executive Council. We have seen him almost immediately denying his past life and afterwards voting for the suspension of Judges Panet and Bedard, and acting himself as Advocate before that illegal tribunal, the Court Martial? Yet he was called to the Council as a French Canadian. It was under this title that at a later and sufficiently memorable epoch, we have seen Messrs Debartzch, Heney, Quesnel, Louis Panet, take their seats in the Executive Council. They doubtless thought they would be able to promote there the interests of their fellow countrymen. They ended by voting there for the suspension of our representative Constitution. In later times we have seen Messrs. Viger & Papineau enter the Council by the same door. They have said, like the others that they could be useful there to their fellow countrymen of French origin. Yet one of their first acts committed in broad day was to give us for Speaker a person that we may doubtless esteem, but who does not understand a single word of our language, and to oppose a French Canadian speaking both languages equally, although unanimously called by <u>their</u> grateful countrymen to that high office. We complain, and especially you of the District of Quebec, of the unjust division of the public monies during last session. To whom do we owe it? Under whose auspices has this division been made? Let Messrs. Viger and Papineau answer. And yet all these persons appealed to the fact of their being French Canadians as a reason for their accepting office. All of them had names better known than that of Mr. Taschereau, who, like them, only enters into the administration under the same title, and by the same door, with the best desire in the world, doubtless, to do good. The same fate awaits him. A little more division among the Canadians, with all its unfortunate effects; this is all we have to expect from a sytesm (sic) which a Quebec journal has just sanctioned in broad day, and which I cannot describe otherwise than as a system of "office seekers."

I am I confess to you, yet to learn what good this system can produce. If there were two names that under this system it could be hoped would exercise some influence in the Council, if there were two names to which an administration owed some gratitude for their having joined it, as French Canadians, those two names were certainly those of Viger and Papineau - and yet now you learn from Mr. Draper that His Excellency is ready to give them their <u>congé</u>!! Is this in order to form a new administration for Lower Canada? Oh no! It is only to make a patchwork (<u>replatrage</u>) of an administration that Mr. Draper confesses does not represent Lower Canada and that it is wished to reform substituting for the names of Viger and Papineau two other French Canadian names, by the aid of which it would be hoped no doubt to create amongst us a little more division than has been created by

the first named. Since it is then proposed to give the congé to Messrs. Viger and Papineau, why not also give the congé to Messrs. Daly and Smith? Is it because the latter represent Lower Canada more than the former? Messrs. Viger and Papineau might at least invoke the past in their favour whilst the others have nothing but the present, and I leave you to judge what that is. Poor Mr. Viger! If this is the treatment destined for him, treatment which it is said they are ready to administer to him, I am not surprised to see, so to speak, that the officers of the Government only speak of him with derision. Two men thus placed, thus treated, can they exercise a great influence over the deliberations of Council and cause the interests of their countrymen to be respected there? If that influence is nothing as must be presumed, after the avowal of Mr. Draper how can Mr. Taschereau who only follows in their wake, and to whom moreover the door of the Council is shut, expect to do better than them? What such a state of things would bring us to, or rather what it would perpetuate would be to accept office at any price. What French Canadians should do above every thing is to remain united and to make themselves respected. They will make themselves respected in the Council, and will thence exercise the legitimate influence which is due to them, not when they are represented there only by the passive instruments of power, however numerous they may be, but when they shall be constitutionally represented there by a Lower Canadian administration formed in harmony with principles which public opinion does not repudiate. The step taken by Mr. Draper towards you is in every respect similar with that which Mr. Sullivan took towards you and me at Quebec in July 1843. It was then acknowledged that the administration of the day which was that which Lord Sydenham bequeathed to Sir Charles Bagot did not represent Lower Canada. It was desired as now to add to it one or two French names only as French Canadians. You know all that followed, I have no occasion to remind you of it. The same scene is on the eve of being re-enacted, or I am much mistaken; unless, indeed the system of accepting places at all price should by accomplishing the wishes of the office-seekers throw our countrymen into a deadly division and weakness. Lord Metcalfe is the Lord Sydenham, and his successor will be the Sir Charles Bagot. I arrive then at a conclusion regarding which you cannot misunderstand me. It is, that as regards the Administration, Lower Canada should have what is granted to Upper Canada - nothing more, but also nothing less. This is the sincere expression of my views. If I am mistaken, the error is mine. I may regret it, without doubt, but come what may, I desire above every thing, to remain at peace with my own convictions, which are my conscience.

I cannot close without saying a word upon my position with respect to my political friends. I have often said, and I again repeat it, that no personal consideration for me should prevent them from forming part of an Administration, which for Lower Canada should be organized, in accordance with the constitutional principles which ought to direct our conduct. I will never be an instrument to divide my countrymen. If an Administration should be formed which commands my confidence, I

will support it with all my heart. If that Administration has not my confidence, but possesses that of the majority of my countrymen, being unable to support it, I would cheerfully withdraw from the House rather than cause division in our ranks. If under the system of accepting office at any price, there are persons who, for a personal and momentary advantage, do not fear to break the only bond which constitutes our strength, viz., union among ourselves, I do not wish to be, and I never will be, of the number. Having no desire to keep secret my thoughts or my political views, I permit you to make whatever use of this letter you think best.

I am,

L. H. L.

No. 4. Translation.

(Letter from Hon. R. E. Caron to the Hon. W. H. Draper.)

QUEBEC, Sept. 17, 1845.

MY DEAR SIR: - After the conversation that I had with you in Montreal last month I promised you to communicate with some influential members of the French Canadian party in order to ascertain if there were any means of coming to an arrangement the effect of which would be to engage them to take part in the administration, and to join the party now in power. My last letter will have informed you that I had endeavoured to perform this promise, and will have made you perfectly aware of the reasons which had delayed me in bringing my negotiation to a conclusion. It is only this day that I am able to inform you of the result of my undertaking, and in what I am about to say to you I will speak with that frankness that you have a right to expect from me after the confidence that you have evinced towards me. If I recollect our conversation right, after you had remarked that there was in each of the two Sections of the Province a powerful party, that to which you belong in Upper Canada and that to which I belong to in Lower Canada, you insisted on the advantages that would arise to the whole country from a union of those parties, the consequences of which would be a strong administration enjoying the confidence of the great majority of the entire Province. You represented to me the injury caused to the portion of the population to which I belong by the isolation in which we had been for some time back from the administration of public affairs, and you gave me the best reasons in the world for desiring the first of these things, and for endeavouring to remove the other. When we came to examine the difficulties which presented themselves in the way of such a result, we found that the following appeared to be the most serious. 1st. All the Seats in the Council being filled, how were places to be provided for those whom it was desired to introduce. 2nd. Would it be just to leave aside and

abandon certain influential and respected members of the party whose aid was sought, and who yet owing to their particular position could not form part of an administration so long as the present Governor should remain in power. 3rd. There are at present in the Council certain members with whom those that it was desired to add to it, could not easily fraternize. Many other details were found of little importance, and such as we thought might be easily arranged. The above manner of viewing the subject is that under which I have presented it to those of my friends with whom I have consulted, and I must at the outset assure you that I have not met one who did not, like you and me, sincerely desire to put an end to a division which is so prejudicial to the whole country. All are agreed in the necessity of a change, and are further agreed that such change, to be lasting and satisfactory, can only be effected by the union or coalition of the two parties the most numerous, and most influential in each section of the Province, and I can inform you that I have found all parties well disposed towards that object. The expediency and necessity of the thing being once admitted, it became necessary to consider the means of making it succeed, and on that subject also there has been but one opinion. It has been assumed as a principle that the direction of affairs should be in the hands of the two prevailing parties in each section of the Province; that the administration ought not more to govern Lower Canada by means of a majority obtained in Upper Canada than it ought to govern the majority of Upper Canada by means of the aid that Lower Canada should give to it, and that no administration whatever ought to last any longer than it shall be sustained by a majority in each of the sections of the Province respectively. It is said that in the Upper section things are as they ought to be; that there the administration is sustained by the majority but that it is quite different here where the minority alone sustains the Ministry which is opposed by the majority, that notwithstanding there is no reason why things here should not be put on the same footing as they are there, that on this condition alone the majority could join the administration in an honorable manner, and in conformity with principle. No objection is made as to the composition of the administration for Upper Canada, but the same right is insisted on for Lower Canada. It is said that persons now in office ought not to be an obstacle to the contemplated arrangement as according to the system of government under which we live, they must in accepting office have expected to resign it, so soon as others according to circumstances should be more in a position than they, to direct public affairs in a manner advantageous to the country.

It is maintained that if it should be necessary to make a greater number of vacancies in the Council than those of which we spoke, the personal interest or convenience of those that this measure might reach ought not in any way to be taken into consideration. The situations must be filled by those who enjoy the confidence of the greatest number, and if this rule should be adopted the consequence will be the removal of the first difficulty that presented itself, that of finding situations for those that it might be thought expedient, and advan-

tageous to bring into the administration.

It is thought that some individual should be charged to work out, and settle the basis of the new arrangement, and to submit the names of those that it might be desirable to bring into it. Though it is desirable to give a majority in the Administration to the party which is in that position in this part of the Province, there is a disposition to give to the minority a reasonable share in the direction of affairs, and to have it represented in the Council in an equitable manner. Some names which have been mentioned belonging to that description of persons would in my opinion give general satisfaction. A great difficulty has been felt, and one which we both anticipated, arising from the necessity of excluding from the projected arrangement certain influential individuals who, under other circumstances, might have been advantageously admitted. Notwithstanding this, adhering to the principle enunciated above, that individuals ought not to be an obstacle to the realization of a project advantageous to the country, it has been consequently understood, that, for the present, the admission to power of those against whom objections that we cannot hope to remove are entertained will not be insisted on, in the full persuasion that those indivuduals will know how to appreciate the motives which have induced their friends thus to act, and that they will not consider themselves either forsaken or sacrificed because the former have been forced to yield to an imperious necessity, which they regret. With regard to one of those individuals, Mr. LaFontaine, I am authorized to state, that he will see with pleasure the formation of a Ministry which shall enjoy the confidence of the country; and that he will support with all his heart, though he should not form part of it, an Administration composed of men of whose principles he approves. I am given to understand, and I can almost assure you that the second of our difficulties is very far from being insurmountable. As to the third (the presence in the Council of individuals who might prevent others whose services might be necessary, from joining it,) it is resolved by the same reasons that have been adduced to surmount the first, and it is said that if there are in the Council some members with whom those who are in a better position than they to serve the country cannot reasonably be expected to sit, it would be necessary that those members should yield their seats, and in doing so, they would only fulfil a condition to which they submitted when they accepted office.

You will understand from the preceding remarks that the opinion is entertained that the Administration for this part of the Province must be reconstructed, - that any change which should be made in it by substituting one or two persons for an equal number of those who are now members of it would have no effective result, would bring no strength to the Ministry, would merely isolate from their countrymen those who should accept of it, that such a measure would be of no use to the Government, at the same time that it would be very damaging, politically speaking, to those who should lend themselves to it. - I assure you that this is the opinion of all those with

whom I have spoken, and being so you will either find no individual disposed to lend himself to the arrangement that you have ... in view (that of replacing the two members who should retire) or if you should find any one who should do so he would be of no use to you. Such is the information that I have been able to collect. I think it in accordance with the opinion of the great majority of those who take part in public affairs in this part of the Province. The realization of this object is not without difficulty but it is possible, and if it is the only mode that exists of reestablishing peace, tranquility and satisfaction in the country, it should be obtained at any price. I should esteem myself very happy if I could contribute to such a result and for that end, as for every other which shall tend to the prosperity of the country, you may dispose of me at your pleasure. Hoping that you will be good enough to excuse the want of order which you will find in this letter which has been hastily written in the midst of numerous occupations, I have the honour to subscribe myself with the highest consideration, and the most perfect esteem, dear Sir, your most humble and most devoted servant,

R. E. CARON.

Hon. W. H. Draper.

No. 5.

(Letter from the Hon. W. H. Draper to the Hon. R. E. Caron.)

MONTREAL, 16th October, 1845.

MY DEAR SIR, - You may not have observed by the papers that I have been rather more than a month absent on circuit, from which I returned only yesterday, and you will, I am sure, readily excuse me that I do no more at this moment than acknowledge the receipt of yours of the 17th, and thank you most sincerely for the frank explanations it contains.

You will feel that some reflection is necessary before I can fully appreciate how far any exertions of mine are likely to be successful in bringing to a favourable result the subject of OUR conferences. My heart is earnestly engaged in the effort to obtain a result so beneficial; - content either to share in the task or to witness its successful accomplishment by others.

You shall hear from me as soon as I can possibly devote to the subject the time its importance demands - for no one will better understand than yourself that while individually I am ready to make any effort to attain an end I consider so desirable, & for that purpose have fully opened to you my desire to learn what prospect there was of success with those with whom you are more particularly connected, I have to secure much co-operation, as well as to enter into much consultation, with those with, as well as those under, whom I am acting ere I shall be able to reply to you in the same spirit as you have so kindly addressed me.

Believe me, my dear sir, with every sentiments (sic) of respect, sincerely yours,

W. H. DRAPER.

No. 6.

Letter from the Hon. Mr. Draper to the Hon. Mr. Caron.

(CONFIDENTIAL.)

MONTREAL, Nov. 19, 1845.

MY DEAR SIR, - You will, after the kind confidence you have placed in me, expect to hear again from me what under all circumstances I think should be attempted, in order to accomplish the single end we have proposed to ourselves, viz., to facilitate the formation of a Government which would possess the confidence of the country generally. I have reflected again and again on the matter, with an anxious desire to effect a good understanding with the party with whom you are connected, as constituting the majority of the L. Canada Representatives in the House of Assembly. The illness of Lord Metcalfe has prevented my laying the question before him. But the result of my own views I may fully lay before you.

I feel sensibly that there are obligations, which, as a politician and a man of honor, I cannot throw aside as regards others, - while, on the other hand, I feel free to expect from others, that which, on public grounds, I feel proud to do. - Now I am, as I told you, ready to make way as regards my own office. I do not value public life enough to cling to it, or to take any course but that which I can justify, to remain in it. So much for myself.

I have felt our Council required to be strengthened, and that the offices of Speaker of the Legislative Council and President of the Executive Council, might be united as a public saving in furtherance of my design.

The position of Mr. Viger, I feel entitles him to every possible consideration on my part. - Every regard to his feelings and his wishes, should, and must be (as I am sure you will feel) shewn by me. But I will not conceal from you, nor indeed have I, that I have long viewed his retirement from the position he occupies as essential to the strengthening of the Government. The mode of effecting it, is another consideration.

As to my other Lower Canada colleagues, Messrs. Daly, Papineau and Smith, I can state to you what I believe to be their feelings, especially the two former. They are not anxious to stick to office, to embarrass the present or any future Governor in forming his Council. With Mr. Papineau I have often held conversations from which I feel certain that he would not hesitate a moment between retiring to benefit his country, and remaining to create difficulty. With regard to Mr. Smith, I have held no conversation with him on the possible question of his retirement.

I can answer for Mr. Morris, and Mr. Cayley, - as for myself, that our holding office is dependent on our doing so on terms which will not compromise our character as individuals, and will be of public service. If either of these, grounds fail, we would retire. No difficulty can arise with either of us in making any arrangements for a good government.

This being premised, I wish now to put to you this question to prevent all misunderstanding thereafter, and to enable me to act fairly in the matter towards those with whom and through whom I have to act, - as I intimated to you in my last, - "What Offices would require to be vacated, or what changes made in the present administration, in order to satisfy the just expectations of the French Canadians generally, and secure their support?" I do not ask you to name - as the time for such a proposition has not arrived, nor would this be the way to make it. But, if I can state distinctly what is expected as the sine qua non - I am in a position to lay the case fairly before the proper parties, and to consult with them all as to what will advise. You will, I am sure, see I cannot otherwise act an honourable part to my colleagues.

Hitherto our communications have been of a character confined to ourselves. From my esteem for your character, and my confidence in your judgment, and from the high position you hold, I sought an explanation that I might, - opening my own views, - ascertain (if you felt right to communicate yours) what prospect there was of a rapprochement. So far our confidence I believe has been mutual. Your last letter contains a frank and interesting exposé of the general view of yourself and political friends. I can now go forward the moment I have your answer; but as my course forward is to lay the question before the Governor and my colleagues I cannot do this, involving your name without your full consent, and added to it the expression of your opinion on the question I have put as to the necessary changes.

Believe me, &c.,

W. H. DRAPER.

No. 7.

TRANSLATION.

(The Hon. E. Caron to the Hon. W. H. Draper.)

QUEBEC, 26th Nov. 1845.

MY DEAR SIR: - Your note of the 24th has been received this morning. In announcing to me the departure of His Excellency you tell me that you hasten to give me this information as the news may change my views regarding the last letter that you wrote me. In fact this departure cannot fail to have the result that you anticipate. In the communications that we have had together, you are aware that I have never represented myself as head of a party. I have only lent

myself, and that I have done most willingly to mediate between those whom our party regards as its leaders and yourself, in order to acquaint them with the communications that you have been pleased to make me, and also to transmit to you their views and ideas on the subject which has occupied our attention. In performing this task I have not concealed from you my own opinions, but this being of only secondary importance, I have always endeavoured to make you understand, what the leaders of the party with which you wished to bring about a reconciliation would desire, and claim. I have only lent my assistance to this object because I knew that there existed temporary difficulties which prevented communications being easily made in a direct manner between the present administration, and those whom it ought to address in order to attain the desired end. The obstacles it appears to me no longer exist and ought no longer to exist, and consequently my mission must cease with the causes which gave rise to it. I should however be sorry that you should conclude from this that I refuse to aid in bringing about a reconciliation that we both appear to desire. On the contrary I am ready to do all in my power to facilitate the conclusion of it. But as you have on the spot those on whom in a great degree the success of the arrangement depends, it appears to me more expedient more easy and more expeditious to treat with them directly. Begging you not to embarrass yourself in any manner with me, and to point out to me in what way I can be useful to you.

Yours truly,

(Signed,) R. E. CARON.[48]

MR. AT. GEN. DRAPER[49] rose to offer a few observations, and hoped that[50] on the present occasion, the general rule of the House which obliged hon. members to confine themselves to the immediate question would be dispensed with[51], ((and)) should not be too strictly enforced against him[52], because he should feel rather hardly used if he were limited to the question as to whether the House should or should not adjourn according to the motion before the chair.[53] (Laughter.)[54] However little justice might be awarded him in other respects, he felt that the justice which demanded that he should have liberty to speak would not be denied him; and he would say at the outset, that in the transaction which then occupied the attention of the House, he had nothing "to conceal, nothing to explain away[55], (hear, hear)[56], and nothing" whatever to extenuate. - (Cheers.) He would speak plainly, so that he might not be misunderstood, and would fearlessly avow[57] that he entertained the views respecting a union of parties expressed in the correspondence[58], ((and)) that the principles upon which he had acted with regard to the French Canadian part of the population in 1841, when he had the honor to hold a place in the government under Lord Sydenham, were the same which had governed his public course in 1842,... they remained unchanged when he came into office in 1843, and were still unaltered in 1846. - (Cheers.) Those principles were well known to every one of his colleagues, nay to every one who knew anything of the history of public affairs in Canada[59] since the Union[60]. He had avowed them in Parliament, whenever the occasion required him to do so, he had avowed them when he had been called to

the administration of Lord Metcalfe, and he could tell gentlemen on the other side of the House that, if one thing more than another had led to the long delay which had taken place in the formation of that administration, it was his desire - it was more than a desire - to form an administration by which those principles might be carried out. - (Loud Cheers.)[61] It was the difficulty of carrying out the principle of a union which he (the Attor. Gen.) contended for; and he would also add that it was not his fault if the principle was not carried out.[62] Then with reference to the correspondence, he would say that there was more of it than had been read by the hon. member for Terrebonne[63], which he would presently read.[64] Not that he meant to assert that the hon. member had intentionally withheld any part of it, but while he had communicated to the House two letters, which he (Mr. Draper) had heard of for the first time that night, and ... the contents of which he had hitherto known nothing, there were others which contained his sentiments in writing, which he should read, in preference to saying any thing upon the subject on which they treated. - (Cheers.) Then as the Cicero text had it, litera scrip ta manet, and would show by what principles he had been actuated. It was only justice to himself to assert that he knew nothing of the letters of the 7th and 8th September, nor of any representation which had been made of his communications, except that which was contained in the letter of the 17th September. With reference to that letter, he would only ask any man of honor, he would ask the honorable member for Terrebonne himself[65], and he would ask the House whether that letter sufficiently informed him of the views of those who had been consulted by Mr. Caron,[66] whether it bore out the representations which were made in other parts of the correspondence as to communications which were said to have come from him. He asked that hon. member whether, from the letter which was written to him, or from anything else which had passed between himself and the hon. gentleman with whom he corresponded - as he thought confidentially - he asked whether he or any man could have supposed or believed, from the letter of the 17th September, that any such representations had been made as those which the hon. gentleman had begun by reading. (Cries of No! No!) He asked whether he had been fairly dealt with, when such representations had been made of what had passed? (Cheers and cries of No!) Was he informed that he had been represented as saying that he was disposed to join an Administration with that hon. member for a colleague? Was he told in that letter what the representation really was? Was he told that the hon. member was willing to support an Administration formed on the principles of union of the two parties? On the contrary, he did not know[67] till yesterday who it was that Mr. Caron corresponded with. Could it be supposed that if he knew of such a letter as that of the Hon. Mr. Lafontaine's of the 10th of September, that any further correspondence would have taken place; had he seen that letter, had he been informed of its tone and temper towards his colleagues, he would have gone no farther; he would have seen that it was impossible to bring about a reconciliation, and would have stopped all proceed-

ing.[68] He asked, as an act of justice, that the hon. member would say whether the letter which he (Mr. Lafontaine) had read, warranted any representation that he (Mr. Draper) was ready to take office with that hon. member. He asked that particularly, because the whole of the conversation which had taken place, in the first instance, between himself and Mr. Caron, was predicated upon the impossibility which existed of that hon. gentleman's forming any part of an Administration while Lord Metcalfe remained at the head of affairs, and upon the fact that his object was not to destroy Lord Metcalfe's Government, but to give it a permanent strength. (Loud cheers). He was bound to say, in justice to the hon. gentleman with whom that conversation was held, that, as he (Mr. Draper) was sometimes foolish enough to attempt to speak the French language[69], as he ... did with the view of improving his knowledge of that language[70], it was possible there might have been some misunderstanding as to the purport of what took place, but this he would say[71], that he never intended[72], on that occasion[73], to say that he was willing to join the honorable member for Terrebonne in an administration - (hear, hear.) He never did say that but for the difficulty arising out of personal feeling on the part of Lord Metcalfe, such an alliance might take place[74]. He said so distinctly, because he was certain that he gave no expression to such views on the subject. He had given no opinion, because it was unnecessary for him to say what he should do under such or such circumstances, when his object was to meet an immediate difficulty, of which these questions formed no part. He had little to explain to the House, for the letters bore upon their faces the proof that he had throughout done everything which was due from himself to his colleagues, and everything which they considered they had a right to expect at his hands. He did not desire, as he had said before, to withhold anything, but he must not be put before the country with a portion only of the correspondence. He would remark, however, that he still - notwithstanding all that had passed - entertained some notion of delicacy - no doubt very absurd, and of a kind, which from the manner in which he had been used, he could readily conceive, some people could not understand - but which had prompted him to take upon himself to say, that he would not make public any part of the correspondence which was in his hands, unless with the consent of the gentleman from whom he had received it. - (Long protracted cheers.) He had demanded that gentleman's authority before he would permit himself to divulge what he conceived to have been imparted to him, under the seal of confidence. He went farther, and he declared that he had abstained from communicating their contents, even when he had heard reports on the subject which had staggered him - when he heard things which he knew to be untrue, stated with a confidence and boldness of assertion, which he himself could hardly believe was without some authoritative foundation. - His honorable friends on this side of the House knew well that it had been stated, in some quarters, he knew not by whom, that a letter, written by the hon. member for Terrebonne, had been communicated to him (Mr. Draper), and had been answered through Mr. Caron. He declared, before

God and man, that, till that night, he had heard nothing whatever about the communication between Mr. Caron and the hon. member opposite, and that he never knew that any such had taken place. All he knew was that Mr. Caron had written to him to say that Mr. Lafontaine would not be in the way of forming an Administration, but would support any which might be formed, if it consisted of men in whom he could have confidence. He (Mr. Draper) could not help feeling that a very different system had been pursued by the two parties engaged in the negociation (sic). While his letters, marked private and confidential, had been placed in the hands of the honble. member for Terrebonne, that gentleman's, which he had forwarded with a frank and manly boldness without any such indication, had been kept back from him. If he (Mr. Draper) had read the letters, reflecting, as they did, upon the friends with whom he was associated, would he ever have written the succeeding letters, which the hon gentleman opposite had read? Would he not have stopped? Would he not have been forced to say, at once, that all hope of reconciliation was at an end? Why had he not been treated with common fairness? Why had not the criticisms on his letters been handed to him? He asked, again, if he had been treated with justice? He had entered upon the subject with one purpose only - that of endeavouring to ascertain whether no means could be found to produce a union which would be satisfactory to the whole community. He did not imagine that he was doing anything more than he had a perfect right to do when he entered upon it, and he would never have made the correspondence public, never have broken the confidence which was reposed in him. He felt it necessary, in addition to the letters already read, to read two or three others, in order to explain the course which he had taken. He would, however, remark, that he made no complaint of the hon. gentleman opposite; that hon. gentleman had broken no faith with him, because he had been entrusted with no confidence; there had been no correspondence whatever between them, and there would have been no correspondence at all except it had sprung from a desire on his (Mr. Lafontaine's) part to effect an <u>approchement</u> which would have been beneficial to the country at large. He was then in a position in which he desired to do nothing more than to place the truth - the whole truth - before the public, and to stand or fall by it. - (Cries of <u>très bien</u>.) He had acted with the utmost frankness throughout, and in proof that he had done so, he would mention, that feeling it would be a delicate thing to allow his friend to write him any letters, after any material change in public affairs had taken place, and before his friend had become acquainted therewith, he took the earliest opportunity, after he could get back to town from Monklands upon the news of the permission which had been granted to Lord Metcalfe to return home had been communicated to him, to acquaint his friend with the fact. He lost no time in writing, though he did so with feelings oppressed by the thought of what had passed with that noble minded man - when parting from him, as he (Mr. Draper) had done - not desiring on his own account to leave the country, but yet fully aware of his own physical weakness, he said "if you think that I can be of any good to Canada, I will gladly lay my bones here". He need

not explain that on that head there had been no hesitation on his part or on that of his friends, but what he desired to mention was, that he had only just time to save the post that evening, and that he wrote in such haste that he had had no time to take a copy of his note. The purport of it, however, was this, that such a change had taken place as would probably prevent my friend from writing what he otherwise would write. He would now read a letter which he wrote on the day of Lord Metcalfe's departure.[75]

No. 8.

(From Mr Draper to Mr Caron)

(CONFIDENTIAL.)

MONTREAL, Nov. 26, 1845.

MY DEAR SIR, - The departure of Lord Metcalfe took place this morning. Although this change in no respect alters the opinion I entertain on the necessity of strengthening the local Administration, it materially alters the position in which I am and may be placed, and the powers I may have to effect any thing beneficial and satisfactory.

I felt it my duty on Monday,* the day on which I had the first official communication of His Lordship's intention, to apprize you of it, and in the same spirit I mention to you how I feel my position affected, as you have a right to expect from me the earliest intimation of everything which may influence you own opinions and actions in this matter. Believe me, &c,

W. H. DRAPER

(Hon. R. E. Caron to Hon. W. H. Draper.)

TETU'S HOTEL,
19th March, 1846.

DEAR SIR, - The object I had in view in the communications which have passed between us, was, - as I have frequently told you in writing and personally, - to make you acquainted with the views and opinions of my political friends, in order to see whether it might not be possible to come to an arrangement with them. - In order to fulfil the mission I had undertaken, it was absolutely necessary to consult the leaders of the party with whom I had to negociate (sic). - As many of them lived at a distance, I adopted, as the easiest and most open mode of communication, the plan of sending to them both your letters and my own, as they were exchanged between us. It thus happens that the important part of our correspondence is now in the

*Mem. - I kept no copy of this note. It contained nothing but the annunciation that Lord Metcalfe was going away, and that the information was given that Mr. Caron might consider how far it would affect his proceedings.

possession of the friends to whom I sent it. - I am not aware what use they intend to make or can make of these documents, but anticipating the possibility of their using them and making them public, I think it my duty to mention the fact to you, in order that if our correspondence should become public you may know under what circumstances the thing took place, and how and why the papers that compose it, passed out of my hands.

I am, as ever,
Dear Sir, yours,

R. E. CARON.

No. 9.

(From Mr Draper to Mr Caron.)

(PRIVATE.)

MONTREAL, 19th March, 1846.

MY DEAR SIR, - I have just received your note of this date, informing me that in reference to certain communications, partly verbal and partly written, which had passed between us in relation to the administration of public affairs in this Province, and the introduction into office of gentlemen, like yourself, of French Canadian origin, that you had, from the necessity of consulting with the chiefs of the party with whom you were connected, transmitted to them my letters addressed to you; that these letters are now actually in the possession of your friends, to whom you had sent them; that you are ignorant what use they may intend to make of them, but, anticipating that they may possibly make them public, you felt it your duty to communicate the fact to me that, in case our correspondence should become public, I might know under what circumstances it had passed out of your hands.

Our communications began by a conversation, sought for on my part with you, in which I expressed my desire to ascertain (if you thought fit to place that confidence in me) whether the obstacles in the way of bringing into office gentlemen such as yourself were not to be surmounted, and I said that unless gentlemen of opposite parties should place sufficient reliance on each other's honour and character, to converse frankly and confidentially on such a subject, there could be no means of ascertaining their respective opinions, or whether any "rapprochement" between them was possible. I understood you to assent to this proposition, and I then discussed with you my views as to the state of political parties and the possibility of bringing the French Canadian party into a position by which they would exercise a just share in administering public affairs. You made me aware that you must confer with others before you could inform me what probability there was that any result could be attained. To such conference, however, I was no party - to this moment I do not know the names of the parties with whom it was to be held - nor, so far as you informed me, was my name to be made use of.

The letters which I addressed to you, in furtherance of our conversation, were, on my part, certainly written in the same spirit of confidence which as I understood was to govern our conversation. They were all, if I mistake not, marked in a manner unequivocally to shew this, - in fact, a((s)) strongly as is consistent with a proper regard of what is due, and should be left, to the honour of a gentleman.

The course which your friends, in whose hands you had placed these letters, may take in forcing you into the position of being a party to making that public which was confidential, and communicated in reliance on your character, is a matter in respect to which I do not feel I have anything to do. It of course, rests between you and them. As regards myself, I must observe that I never supposed, nor did you, until your note of this morning, ever intimate to me that you had placed the letters, which I addressed to you, out of your own control, or even that you had put it into the power of any third party to violate the confidence we had placed in each other. On my part, I can assure you, I had invariably taken care, in all communications with others to which the subject matter of our correspondenbe (sic) gave rise, to secure that your name should not be brought into question.

I have felt it due to myself to make this reply to your note, that the opinion I entertain of the character of our communications may be known to you as soon as possible after I am apprised of the position in which you are placed, with your own friends, in regard to it.

Believe me, &c.

No. 10.

(Hon. R. E. Caron to Hon. W. H. Draper.)

MONDAY, April 6, 1846.

DEAR SIR, - The correspondence which passed between us, and, as a necessary consequence, between me and some of my friends to whom I was obliged to communicate it, has lately given rise to some debates in your house; the newspapers have taken up the subject, and it has become the theme of public discussions in which it is represented as altogether different from what it really is.

I have always thought that the publication of this correspondence would be of no advantage, and have done all I could to prevent it; - but from the turn the business has taken and the state in which things now are, it seems to me preferable that the matter should appear in its true light, and should be judged of and appreciated according to its true merits and at what it is really worth, and not according to reports which must be more or less false and erroneous.

I am therefore not of opinion, that it would be an act of justice to me, and for the interest of all those who have taken part in this correspondence that it should be at once published, - and that it should be so at my instance rather than in any other way. I flatter myself that you will coincide in opinion with me, and that you will

give your consent to a proceeding which I had not anticipated and sincerely regret, but to which I am driven by circumstances.

In effecting the publication I propose to leave out all that does not bear upon the principal matter; - I have looked upon many of your notes as destined for my eye alone; they have never been shewn, and have never gone out of my hands. These will be omitted, unless you express your wish to the contrary, of which you will please to inform me.

Waiting your answer, I have the honor to subscribe myself,

Dear Sir,
Your very devoted servant,

-- R. E. CARON.

No. 11.

(From Mr Draper to Mr Caron.)

MONTREAL, 6th April, 1846.

MY DEAR SIR, - I delayed answering your note of this morning, from the necessity of consulting some friends as to the course I ought to take. A new feature has just presented itself. Mr. Lafontaine has a few minutes ago given notice that tomorrow he will communicate the correspondence he has to the House. I do not know what portion of the correspondence between you and myself is in his hands. I assume all that has been written is not. My consent to publication is now quite unnecessary - and I am, on the contrary, obliged to ask you to allow me to make public anything you or I have interchanged, which Mr. Lafontaine either may not choose, or may not be able - from not possessing it - to communicate. I am told that it has asserted that some letter of Mr. Lafontaine to you was sent or communicated to me, and that I answered it. I wish your authority for stating that you never communicated to me either Mr. Lafontaine's letter or that of any other person, relating to the matter, otherwise than your letter of the 17th September last, may be considered a communication of them.

Your answer before the House meets to-morrow, will greatly oblige,

Yours, my dear sir,

No. 12.

MONTREAL, 7th April 1846.

DEAR SIR, - Before replying to your note of yesterday evening, I must inform you that at the same time that I wrote to you in the morning to inform you of my wish to publish our correspondence, I wrote also to Mr. Lafontaine, not for the purpose of asking his consent, for I knew that he wished for such publication, but to let him know that I had decided, under the new circumstances of the case, to do of my own accord, what I had before declined to permit.

In a note received from Mr. Lafontaine in answer to mine, he has

given me to understand, that my determination myself to publish it, was regarded as an abandonment of my opposition to the publication of the correspondence by others. It is, in all probability, in consequence of this mode of looking at the matter, that Mr. Lafontaine now considers himself at liberty to do that which he was not at liberty to do before, and it is for this reason, I suppose, that he has given the notice of which you inform me in your note. - However this may be, I have thought it right to put you in possession of the facts, and to acquaint you that I have no participation in this proceeding.

I pass now to the contents of your letter.

The portion of your correspondence which is in Mr. Lafontaine's possession, consists, if I mistake not in the following documents: -

1st. - Two letters written by me to that gentleman, and dated respectively, the 7th and 8th of September, containing the substance of our conversation at Montreal, in the preceding August.

2ndly. - Your letter of the 16th October in answer to mine of the 17th September.

3rdly. - My own letter of the 17th September.

4thly. - Your other letter of the 19th November, being a further reply to mine of the 17th Sept.

5thly. - The letter I wrote you on the 26th November.

The rest of my correspondence which is out of my possession, consists of several letters written by me on the subject in question to Messrs. Lafontaine and Morin, or which I have received from them. Those letters have in fact formed the basis, in part, of the communications I have made to you, and these gentlemen were the friends of whom I spoke in my letters to you; but you never saw their letters or mine to them, and their names were never mentioned to you, except that of Mr. Lafontaine in my letter of the 7th of September.

I therefore willingly give you the authority you ask for, to contradict in my name, any report which may tend to induce a belief, "that some of Mr. Lafontaine's letters were sent or communicated to you, and that you replied to them." The letter of the 17th September contains all the information derived from them, which has been communicated by me to you. That letter speaks for itself.

You are also authorised to make public such portions of our correspondence as you may think proper, and which Mr. Lafontaine may not wish or may not have it in his power to publish.

Hoping that this answer will be satisfactory to you, I subscribe myself,

Dear Sir,
Your very devoted servant,
ED. CARON.[76]

MR. LAFONTAINE explained: he had nothing to do with the communication between the Attorney General and the Hon. Mr. Caron, but he felt assured that the conduct of the latter gentleman was strictly honourable.[77] ((Il a dit)) que l'hon. procureur-général avait cherché

à prouver que la publicité de ces lettres se fesait sans la permission de M. Caron, mais ... cette chose n'avait aucun fondement[78], although at one time the hon. gentleman referred to, had objected to the publication of the correspondence, he had consented to his making use of it in his place in Parliament in accordance with constitutional usages, using however, a judicious discretion. Such was the position of the affair, when he yesterday received a note from the hon. gentleman announcing his intention of immediately publishing the correspondence. He accordingly felt it his duty immediately to lay it before Parliament.[79]

MR. PRES. EX. COUN. VIGER se leva ensuite[80].

M. Viger parla d'abord en français et répéta ensuite en anglais presque littéralement tout ce qu'il avait dit. Il commença par se lamenter de ce qu'il avait été depuis deux ans en butte aux persécutions de ses compatriotes; et qu'il était encore dans la chambre comme un blanc où venaient porter les coups de tous les côtés de la chambre; on l'avait calomnié, on avait parlé de son avarice, de son ambition, de sa cupidité; on l'avait même représenté comme un traître, et comme restant au ministère malgré les voeux de ses compatriotes, et dans la seule vue de satisfaire sa vanité et son ambition! mais, s'écria-t-il[81], ... ce soir me voilà disculpé de toutes ces accusations qu'on a portées contre moi! Cette correspondance qu'on vient de lire est toute en ma faveur! les lettres même de mes collègues font voir que je ne suis ni avare, ni ambitieux, que je ne reste au ministère que parce que j'y suis forcé pour le bien de mes compatriotes! l'hon. procureur-général avoue que je tiens peu au ministère, et que je me retirerais bien volontiers, si mon pays n'en souffrait pas! Qu'on ne vienne donc plus proférer contre moi l'accusation que je me cramponne au pouvoir et que rien ne sera capable de me faire lâcher prise!

Mais malgré tous ces résultats en sa faveur il trouvait cependant que la correspondance n'aurait jamais dû être publiée. Il fit un long discours sur l'inviolabilité du secret.... Il prétendit qu'il était sans exemple dans les annales de Parlemens que des correspondances eussent été de voilées de la manière que l'avait fait Mr. La Fontaine. Il termina par dire qu'on avait noirci sa réputation parmi ses compatriotes mais que la Providence lui rendrait justice un jour.[82] He now wanted to say a few words in English; he was not a good English speaker, but he could speak a little English in his own way.[83] ((He)) said, that he had listened with no less surprise than regret to the member for Terrebonne, while reading a series of letters, which displayed one of the greatest violations of confidence ever witnessed, either in private or public life; a violation which could be excused upon no grounds; for should a Legislative Assembly deliberately admit that expediency justified the sacrifice of the highest moral obligations? Letters written under the obligation of confidence, such as those which had been brought before that House, were not the property of him into whose hands they came, but of the writer, and until his consent had been obtained to their publication, no circumstances could justify such a course. Without his express sanction, no power on earth could dissolve the obligation under which the receiver of those

letters lay.[84] The Hon. Member opposite had broken a rule of honor in reading the correspondence; there was no constitutional law or practice that required any member to do such a thing, no power could dispense with the laws of honor, and he would defy the Hon. Member to[85] point out in parliamentary history a parallel case to the one before that House; and were such a case to be found, he denied that it was a precedent to follow; he denied that a course which was in defiance of every law of morality and honour was obligatory in an Assembly where those laws of all others, should be held most sacred. He believed the present proceeding to unexampled. A few evenings ago, an honourable member had made a motion in that House for an Address to His Excellency, for the production of certain correspondence relative to the matter now before it; that motion too was without example in parliamentary practice. The Governor had no right of himself to give the information sought for, although he might, under certain circumstances, have given liberty to the Members of his Council to make the required explanation. Had that motion have been made in a proper and a constitutional way, neither himself nor his colleagues would have hesitated to have placed the whole matter before the House; as it was, he could have gained nothing by a motion for that of which the Governor knew nothing. The honourable member for Terrebonne had laid great stress upon his wish to act constitutionally, but how had he evinced that desire? By asking permission of Mr. Caron to make public private and confidential communications. He had laid great stress upon his desire to do good, and how had he sought it, but by the most evil means - by the sacrifice of the highest moral obligations which could be binding upon men. The letters which had been read were marked confidential; it was repeated over and over again in them, that they were to be strictly considered as such; whence then he asked, whence came the right to break that confidence? Surely it could not seriously be urged that the honour of that House, the honour of the country, the honour of the individual concerned, could be upheld by an act such as this; an act which destroyed in the very outset every spring of honour? (Cheers.) For myself, Sir, continued the honourable gentleman, I have been represented as an avaricious, ambitious old man; for more than two years such epithets have been heaped upon me; it has been said that I was tenacious of office, and sought the aggrandizement of my own family. Sir, I will not repeat the worse than despicable reproaches, which have met me during this Session of this Legislature from honourable members on the other side of the House. But, Sir, I can do better, I can forgive them, for this night has proved to them that the ambitious, avaricious, office-loving old man, was prepared, Sir, and offered, to resign his place in the Councils of his country for its peace and welfare[86], if the proposed arrangement had been effected.[87]

Loud and repeated cheers from both sides.[88]

MR. PRES. EX. COUN. VIGER ((continued:)) Gentlemen may insult me as they have already done, they may misrepresent my motives as they have done, they may blacken my reputation among my countrymen, which they have succeeded

in doing[89]--

Hear, hear from the opposition[90].

MR. PRES. EX. COUN. VIGER ((continued:)) But I believe the impression will not last - I believe that at length my motives will be appreciated, and though I may be met here with scoffs and taunts from those who should blush to use them, that posterity will do me justice. (Loud cheers.)[91]

Cheers from the Ministerial benches.[92]

MR. PRES. EX. COUN. VIGER ((continued:)) I can afford to forgive these things now; those who belied have vindicated me; the slur has been taken from me - the reproach has been cast upon themselves - by the reading of the correspondence now before the House (Loud and prolonged cheering.)[93]

MR. AYLWIN said: Sir, I am a plain spoken man; and all I can say is, that after the exposé which has taken place to-night, the idea that the member for Three Rivers should get up and say one single word is a most extraordinary one. All I can say is, that if that honorable gentleman represents in this House any portion of the people of Lower Canada, then, Sir, I represent none. (Laughter.) I call on the French Canadian Members, I am not a French Canadian, and I am sorry I am not. (Cheers and laughter) I call upon them to say if that honorable gentleman represents them?[94]

No! No! from the Opposition.[95]

MR. LAFONTAINE said, that the hon. Attorney-General had complained that an allegation made in one of the letters which he had read, was incorrect, but with that he (Mr. Lafontaine) had nothing to do, but in reply to the insinuation that he had no right to make use of the correspondence, he must express his opinion that he had the right to do so on his own account, for the simple reason that he had been made a principal in the negotiation, even before he knew anything of the matter. He must say, however, that at the first application Mr. Caron had refused to consent to the publication of the letters, and only consented to allow it when he had been called on to explain his refusal. As to the other remarks which had been made, they related to affairs which were altogether between the hon. Attorney General and Mr. Caron, he would only say that he had no doubt that Mr. Caron had only written what he believed to be the truth.[96]

MR. AT. GEN. DRAPER said, that one of the letters spoke of certain steps which had been taken to prevent the publication of the correspondence. Would the hon. gentleman say what they were?[97]

MR. LAFONTAINE said, that when he had spoken to Mr. Caron on the subject, he had refused at first to allow the letters to be published, and wrote a letter containing his refusal. It was only when he insisted upon his right, and asked whether his refusal extended to the case of the matter coming before the House, that that hon. gentleman gave his consent.[98]

COL. PRINCE expressed regret at the course the hon. member for

Terrebonne had adopted. This subject seems to have excited a great interest, as even the ladies were drawn from their houses to be present at this debate. He (Mr. P.)[99] could not conceive what was to be the result of this discussion, introduced, as it had been, in a most singular manner. What good was to be effected by it? - to what result did it lead?[100] Is it to lead to the public good? No. It is a personal persecution of a man who is an honour to Upper Canada. (Hear, hear.)[101] "Parturiunt montes et nascitur ridiculus mus."[102] The mountain has been in labour, and lo! it has brought forth a mouse.[103] He was perfectly astonished that the honorable member for Terrebonne should have been allowed to introduce a matter of this nature, under the cover of a motion "That when this House adjourns on Thursday, it stand adjourned until Monday next." But, although surprised, he did not regret that it had taken place. As a Briton, he was proud of his fellow Briton, the Hon. Attorney General, - he had stood the brunt of the battle nobly, and he had come out unscathed from the fire, and the people of Upper Canada had good reason to be proud of him. (Cheers.) This discussion had originated in no good purpose, - it had been produced by no proper motive; but, in the end, it would be productive of much good. It was intended as a personal persecution of the Attorney General. (Cheers.) Had he been allowed, in an earlier stage of the proceedings, he would have moved, in amendment, that it was not compatible with the dignity of that House to receive or have cognizance of correspondence made in strict confidence, but that it would let the world know that nothing could justify such a breach of faith, and it would place upon its records, in the strongest terms, its disavowal of a course which tended to destroy the bonds of confidence between man and man. (Cheers.) The proceeding of that House[104] ought to set an example to the country of[105] highest and strictest principles of honor[106] and integrity[107] - principles which that night they had seen violated and cast to the winds. He did not charge the member for Terrebonne with a breach of faith; the confidence had been reposed and betrayed elsewhere; but he considered his conduct, to say the least of it, in exceedingly bad taste. (Cheers.) He appealed to hon. members from Upper Canada if they would have acted as he had done?[108]

Loud cries of No! No! Never![109]

COL. PRINCE ((resumed:)) But he could find no excuse for that gentleman who had, under the seal of confidence, received the communications of the Attorney General, and then hawked their contents about among his friends. (Cheers.) He objected to the way in which this matter had been introduced, by a side-wind, which prevented honorable members from expressing their opinions by a vote.[110] ((But)) though he (Mr. P.) had objected to the reading of this correspondence, he was too happy to find that it had been read - it shewed him that the object was to embarrass the Government[111], and those who conceived it hoped to make it the ground-work of a vote of want of confidence. (Cheers.) What did the member for Terrebonne care for Mr. Carron (sic)? That gentleman had no more idea that this matter would be brought before that House, when he made his communications to Mr.

Lafontaine, than he had of marrying his (Mr. P.'s) grandmother; but he had been thrown overboard to satisfy party spleen. The conduct of the Attorney General had been most noble and patriotic; there was nothing inconsistent in what he had done; he had wished to give to the French Canadians who commanded the confidence of the majority of the Representatives of that origin a fair share in the councils of the country; and his advances had been met with base treachery and ingratitude. He had made known his views to the gentleman who, as the Speaker of the Council, was one of the highest men in the country, in confidence, and he had asked his opinion upon a subject in which it was justly to be supposed he felt the greatest interest, and he had offered himself and colleagues to resign the offices they held, if such a course would promote the welfare of the country. What could be more manly, more straightforward than this? He had made no proposals to the members of the Opposition, but as the subject of his design concerned the French Canadians, he had sought the advice and assistance of the man holding the highest position amongst them, and therefore most likely to be acquainted with the views and feelings of their leaders.[112] The leaders of the French Canadians had been guilty of base ingratitude[113]. The honourable gentleman's colleagues were satisfied with his conduct; what right, then had others to question it? It would have been better for themselves, better for the country, and better for the interests which they represent, if the French Canadians had accepted the hand of friendship when held out to them[114]. And they had rejected it[115]. But the longer he (Col. P.) sat in that House, the more he became convinced that it was impossible to conciliate them on true British principles. (Cheers.)[116] The principle they seem to have acted upon was aut Caesar aut nullus[117]. How then, was this to end? Was the country to be convulsed and divided by these sectional differences for ever? Had not every effort been made to bring in the French Canadians? What more did they desire?[118] Unless the British inhabitants would bow their necks and allow themselves to be trampled, the French Canadians would not join them in promoting good government.[119] ((He did not)) believe that the French Canadians desired it; but he certainly would like to know what they did require. What, he would again ask, was to be the result of this discussion? Was there to be yet another debate upon the subject? Was this but the initiative of a charge of improper conduct against the Hon. Attorney-General; was it to be followed by an attempt at a vote of want of confidence?[120]

Loud cheers, and cries of "Come on, let us have it."[121]

COL. PRINCE ((continued:)) Why do not the opposition come manfully forward and move a vote of want of confidence? He (Mr. P.) only hoped he might be present in order that he might behold how miserably such a motion would fail[122], for at this, of all other periods of the Ministerial existence it stood the least chance of success. (Cheers.) He (Col. P.) was not given to harsh language, and here there were great grounds for making use of it; but he would tell the honorable

gentleman from Terrebonne, that his conduct that evening deserved, and had, the disgust of the[123] majority of[124] members of that House.[125]

Loud cheers and cries of "It has"[126]! Yes - No.[127]

COL. PRINCE ((resumed:)) For the sake of the character of the French Canadians[128], which he respected[129], he deeply regretted that this discussion had taken place, that they should have been mixed up in any way in this publication of confidential letters; and he trusted, for the honour of that House, if ever a vote was taken upon the merits of this transaction, it would not fail to stigmatise, in the most unequivocal manner, conduct such as this. For surely, Sir, if it be true that the principle of monarchy is honour[130] "as Sir Francis Bond Head said it was,[131] it is no less true that the principle[132]" and practice[133] of legislation and of private gentlemen should be honour also. (Loud cheers.)[134]

MR. CHAUVEAU spoke in French.[135]

MR. BALDWIN wished to remark upon an objection raised by the member for Essex as to the manner in which his hon. friend[136], the learned Member for Terrebonne[137], had brought this subject before the House; he would tell that hon. member that however strange it might appear to him[138], any one acquainted with Parliamentury (sic) practice, with Parliamentary history, must know that the course taken by his hon. friend was perfectly correct.[139] It was the practice pursued in England[140]. He (Mr.B.) observed that the hon. President of the Council shook his head, he feared that the hon. gentleman's memory in the present, as well as other instances, failed him. The occasion of such debates in the British Parliament generally was on a motion of adjournment, or on the issuing of a new writ[141], or on the question of the orders of the day.[142] As far then as regarded the time and manner of the discussion, there was not the slightest informality. It was also correct, as had been stated by the speaker, that the correspondence would form no part of the Journals, it was a mere matter of explanation. In referring to the more important question before the House, he (Mr. B.) would first say that hs(sic) was not prepared to join with the Att. Gen. West in condemning an hon. gentleman who held a high place in another branch of the Legislature, because that distinguished individual was not there to explain[143] whether[144], according to the suggestion of the learned Attorney General himself[145], he had not put an erroneous construction upon, and from a difference in language misapprehended the conversations which he reported as having held with the hon. Attorney General.[146] But, he (Mr. B.) had no doubt as to the propriety of the course pursued by the hon. and learned Member for Terrebonne; he was prepared to, and did, in the fullest manner, justify that course; he maintained that his learned friend had been guilty of no breach of confidence, he was bound in justice to constitutional principles, in justice to his party, to those who gave him, and would continue to give him, a firm and honest, and hearty support - (Loud cheers.)[147] He was bound by the respect due to that House, and to the country at large, and[148] in justice to his own high character to[149] come forward and give the explanation he had done. For his own part he (Mr. B.) was willing to assume his share of the responsibility of

the act, yes, he was willing to bear the whole on his own shoulders.[150] (Cheers.) He observed that hon. members opposite smiled; he was not surprised that some of those gentlemen smiled, those who were known only for their disregard of British principles, or who like the learned Member for Essex, (Col. Prince) had British principles ever on their tongue, but never in their heart (cheers and laughter) and whose whole lives have been spent in resisting the establishment of such principles, but he did wonder at others who had themselves drank at the fountain of English freedom, it did astonish him to hear them decry a practice that had been followed by a Chatham, a Pitt and others[151] of the greatest names upon the page of British History.[152] He did not know what the President of the Council might recollect in the way of precedent, but he would appeal to the Hon. Attorney General West, did he not recollect the celebrated attempt in 1812 to form a Ministry, the long negotiations that took place, when all attempts failed[153]? The parties concerned came down to Parliament, and explained, as the member for Terrebonne had done, and read a long correspondence, yet they had not been assailed with such language as that applied to his honourable friend; such terms might have been as justly used towards them.[154]

Cries of "No! No! they asked leave to publish."[155]

MR. BALDWIN ((resumed:)) He spoke of the manner of introducing this correspondence. (Oh! oh! and laughter.)[156] Was it imputed to the parties concerned in that affair that they had acted inconsistently with the principles of honor and good faith? He (Mr. B.) had occasion to say before in that House, what he would then repeat, that the exclusive responsibility of such negotiations as those in question did not belong to the party on the Ministerial side; the member of the opposition was bound to reveal fully to his party the part he had taken, that they might judge how far he had attended to their interests. - Applying this principle then to the present case, he would ask, how the hon. member for Terrebonne could have satisfied his friends that his conduct was consistent with his position, without disclosing all that had occurred on both sides. In the first place, he was required to do all in his power to bring about a junction of parties. He receives a letter[157] from Mr. Caron, containing such a sentence as this - "All this he told me with full, &c,"[158], in which he is requested to consult his friends.[159] He could not reply thereto consistently with his character as one of the leaders of a party, without consulting those friends with whom he was in the habit of acting, and whose support it was necessary for him to obtain. How could he do this without laying the communication made to him before them; and after he had done so, and distorted rumours had gone abroad[160], and he is called upon for explanation[161]? Was he to be told that his mouth was to be shut - that he was not allowed to explain and to justify himself? What would be the natural consequence of such a doctrine? why, the consequence would be, that his friends would, from his silence, be brought to believe that the whole affair was a mere pretence on his part, a pure invention; that the letters were forgeries, got up for

some personal purpose[162]. He did not say that such a charge would be made, but the doctrine laid down, by members opposite[163], must be the natural consequences (sic) of closing a man's mouth on such occasions. No man had a right to place another in such a position. From the moment his hon. friend received the letter he had done, he became entitled to make known its contents whenever it was rendered necessary for his justification, and he had not the power to justify himself without doing so. The employment of a third party in the correspondence had been unfortunate; it would have been better if the honourable Attorney General had communicated directly with the hon. member for Terrebonne, then it was probable these difficulties would not have arisen. Had he taken this course and made his advances with the understanding that they were to be secret, the member for Terrebonne would have answered him, that he could receive no communication under such a seal, that it was inconsistent with his duty to his country, the Parliament and his party.[164] But the present was not such a case. Here a letter is written involving a direct necessity to consult others. If it were stated in the letter received by the hon. member for Terrebonne that it should not pass into other hands, the immediate answer of the hon. gentleman would be, "I cannot proceed as you desire; I cannot act upon your recommendations, because you do not permit me to use what would be my authority for acting."[165] To say explanation was to be denied, to say that his hon. friend's mouth should be shut, was placing him in a position in which no man had a right to place another.[166] He (Mr. Baldwin) would repeat that he considered the conduct of his learned friend[167] the member for Terrebonne in producing that correspondence[168], had been strictly that of a man of honor.[169] ((He)) had done no more than he had a full right to do, and he was willing to assume his share of the responsibility of the act.[170] With respect to the correspondence which had been read, it remained to be seen what it would produce; he did not know whether the hon. member for Three Rivers felt very thankful to the hon. Attor. Gen. West.[171]

MR. PRES. EX. COUN. VIGER. I do thank him.[172]

MR. BALDWIN: Well then all he (Mr. B.) would say was that the hon. member was thankful for small favours - (much laughter).[173] It had at least been admitted that the Administration was not such as it ought to be; the hon. Attorney General now declared as he had declared in 1843 his strong desire to associate some influential French Canadians in the Government; if such are his sentiments, and if such they were in 1841 as he had said, it was a pity that he had not offered his assistance to him Mr. Baldwin at that time, when he was struggling alone to form an Administration on those principles, and when he would have been glad of his assistance.[174] He (Mr. Baldwin) would make one more remark. The hon. members on his side of the House had heard the declaration of the hon. member for Essex (Col. Prince) that it was impossible to satisfy the Lower Canadians[175], had heard the cheers with which ... ((his)) remarks ... on the impracticability of forming an Administration with them, had been greeted by the other side of the House[176], (hear,)[177] and he would ask them what hope of

sympathy they could have with a party that could thus cheer such an enunciation. He prayed of them to look well before they committed themselves to their counsels[178]. He (Mr. B.) had no doubt that the opposite side would gladly take the votes of his hon. friends, but he doubted whether they would give much in return.[179] (Cheers.)[180]

M. CAUCHON: M. l'orateur, si j'avais besoin de consistence, je n'irais certainement pas la chercher chez l'hon. membre pour Essex (M. Prince).[181]

COL. PRINCE: Ayez donc la bonté de répéter en anglais ce que vous venez de m'adresser, je ne puis pas vous suivre.[182]

M. CAUCHON: Je ne parle pas bien l'anglais, mais cependant je n'ai aucune objection à traduire "I was saying Mr. speaker, that if I was to seek for consistency I would not go to the honourable member for Essex." (Applaudissemens et rires prolongés). Chacun à son talisman dans ce monde, chacun à un pouvoir de fascination auquel il lui est bien difficile de se soustraire. Les uns obéissent à un instinct généreux de patriotisme et de devoir, tandis que d'autres se courbent sous d'autres influences.

Vous avez sans doute vu magnétiser quelquefois, vous avez dû remarquer alors la puissance que le magnétiseur exerce sur le magnétisé, comme celui-ci suit à distance la main du premier partout où elle se dirige. Eh! bien le livre bleu c'est le talisman, c'est pour quelques-uns la puissance du magnétiseur sur son patient. Ils se tournent sans cesse vers cet objet; et, comme par une fatalité malheureuse, ce livre si fécond se trouve toujours entre les mains du pouvoir, il suit comme conséquence inévitable que ces hommes sont partout où se trouve le pouvoir. L'honorable membre pour Essex nous a dit que s'il appuyait l'administration actuelle, c'est qu'elle donnait de bonnes mesures au pays, et il vient de protester solemnellement (sic) que quand même l'hon. membre pour Terrebonne remonterait au pouvoir, il ne l'appuierait jamais. Je n'ai aucune crainte sur son compte, car il nous a dit aussi qu'il n'avait donné son appui à la précédente administration que parce qu'aussi elle avait donné de bonnes mesures au pays. Comme jusqu'ici il a toujours voté avec le gouvernement, quelque soient les hommes qui soient au pouvoir, il s'en suit que c'est le pouvoir qui donne la faculté de bien faire et de bien penser, et qu'alors l'honorable membre pour Terrebonne aurait retrouvé ces facultés qu'il avait perdues en redevenant simple député. Il est donc facile d'apprécier toute la valeur des votes et des opinions de l'honorable membre pour Essex.

On a jeté de hauts cris sur la nature de cette correspondance pour faire perdre de vue le sujet principal qui était la correspondance même, qui était que le leader de l'administration avait voulu se défaire de trois ou quatre de ses collègues pour attirer à lui la majorité du Bas-Canada. Voilà la question toute entière. J'ai été surpris de voir l'honorable représentant des Trois-Rivières se lever dans cette circonstance pour défendre la position de celui qui a voulu le mettre à la porte et se débarrasser de lui comme d'un être nuisible.

Loin de garder un profond silence, pour prendre ailleurs une décision honorable, ou de prendre une noble attitude dans cette chambre même, en présence d'un pareil état de choses, loin de donner le beau spectacle d'un homme qui comprend sa position et qui désire d'un coup se mettre à la hauteur de son passé, il vient nous répéter pour la millième fois ses doctrines sur la constitution, les usages parlementaires et la moralité publique, sur l'inviolabilité du secret et du dépôt, tandis que depuis qu'il est ministre le gouvernement n'a cessé de violer la constitution et les règles les plus sacrées de la morale publique.

Que les diverses pièces de cette correspondance portassent ou non la marque confidentiel, elle ne pouvaient pas être d'une nature confidentielle, puisqu'on y débattait une question qui intéressait le pays entier, qui tendait à changer essentiellement la position des partis politiques, puisque c'était, à cet effet, une correspondance entre un membre du gouvernement et un homme de l'opposition; puisque l'hon. procureur-général avait chargé l'hon. président du conseil législatif de consulter ses amis politiques et de d'entendre avec eux pour voir s'il ne serait pas possible d'effectuer un rapprochement entre les majorités respectives des deux parties de la province.

Comment eût-il été possible à M. Caron de connaître l'opinion de ses amis sans communiquer les intentions et les lettres de l'honorable procureur-général qui contenaient ses intentions? L'honorable membre pour Terrebonne étant placé à la tête de l'opposition, comment M. Caron pouvait-il éviter d'aller à lui; comment par conséquent l'honorable procureur général peut-il dire qu'il avait appris hier pour la première fois que l'honorable membre pour Terrebonne fût en possession de quelques-unes de ses lettres, surtout lorsque M. Caron lui avait écrit que l'honorable député de Terrebonne ne serait pas un obstacle à un arrangement? Tout cela pouvait-il s'effectuer sans que M. La Fontaine en connût quelque chose? Personne n'était en droit de le sacrifier, sans le consulter du moins, puisque ses talents, son expérience acquise par vingt années de luttes et surtout la noble attitude prise par lui, en 1841 en face de la tyrannie de lord Sydenham, lorsque ce gouverneur fesait les élections par la violence et en versant le sang des électeurs. Cette position est trop belle aujourd'hui et trop justement acquise pour qu'on la lui enlève, sans lui demander à lui-même de faire le sacrifice que l'on peut croire nécessaire: aussi M. Caron ne l'a-t-il pas fait. Je ne sais si l'on m'a trompé; mais j'ai plus d'une fois entendu de la bouche de personnes bien informées, que l'honorable leader de l'administration n'a aucune influence personnelle ni politique dans le Haut-Canada, et qu'on est loin d'avoir confiance dans ses principes et dans sa droiture; mais que l'on est bien obligé de le garder là et de l'appuyer, parce que de ce côté de la chambre il ne se trouve personne capable de le remplacer. Parmi nous il n'en est pas ainsi, nous ne mendions pas l'appui du talent. Ce n'est pas l'homme de talents que nous acceptons comme chef, mais l'homme de principes, tout en estimant et en appréciant ce qu'il peut y avoir en lui de talents et d'expérience. Nous n'en sommes pas rendus au point d'accepter pour chefs des hommes dans lesquels nous n'avons pas de confiance. M. Caron ne pouvait donc

pas céler cette correspondance à l'hon. député de Terrebonne et lui faire ce que l'hon. procureur-général ferait à ses collègues. Cela étant l'hon. député de Terrebonne ne pouvait pas abuser de la position faite à lui par ses compatriotes, il ne pouvait pas passer pour les trahir, par conséquent il devait à ses amis, au public de faire connaître la verité dans toute sa plénitude, afin de faire voir de quel côté se trouve la faute si le pays est dans un pareil état d'anarchie et d'affreuse souffrance. L'hon. député de Frontenac ne nous a-t-il pas dit l'autre jour que si nous nous trouvions sacrifiés nous devions nous en prendre à nous mêmes, c'était notre faute, puisque nous nous obstinions à vouloir conduire au ministère avec nous M. Baldwin et ses deux ou trois amis; n'était-il pas de notre intérêt de faire voir à ceux qui nous on élus que cette accusation n'était pas fondée, et de faire retomber sur qui de droit la grave responsabilité de notre pénible situation.

Lorsque d'un côté l'honorable député de London ne donnait à ceux qui l'appuient dans cette chambre qu'une partie des faits, et qu'il faussait par là l'opinion de ces membres et du public par l'entremise de ces membres, pouvait-il, d'un autre côté, obliger au secret celui qu'il compromettait ainsi vis-à-vis de ses amis et de son parti? Une pareille prétention est absurde et injuste et ne devait pas prévaloir en présence du devoir, en présence des obligations de tout homme public envers ceux qui le font tel.

M. Caron a été attaqué dans cette chambre, sans avoir les moyens de se défendre, ce n'est pas agir noblement à son égard. Je suis sûr que s'il pouvait parler dans cette enceinte, il se justifierait pleinement des accusations de l'honorable procureur-général et de ses amis, il n'y a pas de courage à attaquer quelqu'un qui n'est pas en position de se défendre.[183]

MR. AT. GEN. DRAPER had been so particularly alluded to ((by Mr. Baldwin)) that he would ask leave of the House to say a few words in addition to what had previously fallen from him. He would confine himself, however, to two or three points which grew out of the communications, and which had been made the occasion for reflections upon his conduct which common respect for himself obliged him to reply; first, however, he would answer the question which had been put to him relative to British practice, and he would challenge the hon. member for the Fourth Riding with all his Parliamentary reading, and all his acquaintance with history to point out a single instance in British practice, in which a letter marked private and confidential had ever been publicly used. He would join issue with the hon. gentleman upon that point - he would repeat the challenge, and defy him to point out a single instance in British history in which public men have ever published a private letter without the consent of the writer.[184]

MR. BALDWIN here said he was not aware of such an instance.[185]

MR. AT. GEN. DRAPER ((continued:)) The hon. gentleman was not aware that such an instance ever occurred - then all he had to say was that the analogies upon which the honorable gentleman had dwelt, failed entire-

ly to make out his case. He agreed at once that if he had made a proposition and received an answer upon which he could have based an arrangement - and the communication((s)), so far as he had been concerned, were commenced in sincerity of heart[186], and with a full intention of carrying them out[187] - that then he would have been obliged to apply the principles laid down by the honorable member. If these proposals had been made and refused then he still agreed with his honorable friend that those to whom they were made whether they accepted or refused them, would have been bound to justify their course by explaining to the country; but that state of things had never arrived, and that was the distinction to which his hon. friend seemed to be insensible. In the state of things to which he had alluded he would no doubt have been bound to answer any challenge for enquiry which might be given in Parliament; but while he admitted all that, he must still profess himself utterly incapable of understanding how the hon. member for Terrebonne - who must have known, even from the letters themselves, that he could under no circumstances have been included in any ministerial arrangement, could conceive that he was to be held responsible for not accepting of the office which had never been offered him. As to his hon. friends, who it had been said were ready to cry "aye" or "no" as he directed them, all he could say was, that if he had their support - and proved he was to have it - he owed it to their being as independent a body of men as represented the majority in Upper or in Lower Canada. So far from being able or desirous to dictate to them what vote they should or should not give, there was not one of them who did not know that he had never, publicly or privately, attempted to exercise any other influence than that which he would ever have while his public conduct entitled him to their support.[188] He trusted that his conduct would always be such, as would entitle him to the hearty support of his party.[189] He felt that he might be justly proud of the high position in which he was placed[190], at the head of a body of independent men.[191]

MR. AYLWIN: Member of Parliament for London![192]

MR. AT. GEN. DRAPER: Yes! member of Parliament for London, and as little ashamed of his position when supported by his friends on his own side of the House, as the hon. member himself was when he expressed his just pride at being what, if he (Mr. Draper) recollected right, was called the representative of - the returning officer of Portneuf.[193] He (Mr. D.) had adopted no new views with respect to admitting the French Canadians to a just share in the Government. He confessed that he heard with some surprise the taunts that were thrown out against him for want of sincerity.[194] He had no desire to allude to the past, nor rake up bye-gone troubles[195], ((and)) old sores[196], except in so far as it was necessary to do so, to show, that in making the propositions which he had expressed his readiness to carry out, he had adopted no novel course. - It was, therefore, with surprize, that he heard the hon. member for the Fourth Riding alluding to the transactions of 1842. He was hardly prepared - he must confess it - to hear that hon. member rise in his place and impute it to him as a

crime, that he had not stood by the hon. gentleman's side to second the energetic measures which the hon. gentleman was prepared to adopt for the benefit of the French Canadian part of the population. He thought that, the explanations ... given[197] during the last Parliament[198] had been sufficient for the occasion, and that he had done with it when he had, once for all, replied to all questions that concerned himself. Now, however, it was said as a reproach that he could not have been sincere in his proposition, because he had not acted with the hon. member for the Fourth Riding.[199] He would state now what he stated before, in reply to the Hon. Member for the North Riding of York, who inquired why he did not resign with him, when Lord Sydenham would not do justice to the French Canadians.[200] He would tell that hon. gentleman, that he had no desire to have acted the part which that hon. gentleman performed, but yet he trusted that there were members enough in the House who could remember the explanations and admissions of that period, and who would recollect that it would have been no little hardship to expect him to join the hon. member in a course of policy, of which the hon. member kept him in entire ignorance up to the day of the hon. member's resignation. He would only add, that in looking coolly back over the events of that year, he had seen no cause to regret that he had not placed himself in the positions which the hon. member assumed.[201]

COL. PRINCE said, he had entered the House just in time to hear the member for the Fourth Riding of York declare that he, Colonel Prince, had a great deal of British principle on his tongue, but none in his heart; he would retaliate that accusation, he retorted it upon him[202]. He had always doubted if ever he (Mr. B.) had them in his heart, and he was certain now that[203] he had not a morsel of British principle in his composition[204]. He is not a Briton and there was nothing British about him[205], and his whole political course showed it. If that hon. gentleman were in the Government to-morrow he Col. Prince would oppose him, he pledged himself to give him the strongest opposition in his power, because he had misunderstood his (Col. P.'s) character. He would tell that hon. gentleman that he was the most impracticable minister the world ever saw; the French Canadians had been sacrificed to his impracticability as had been observed the other night; they had not a fair voice in the country because they had allied themselves to the impracticables of Upper Canada.[206] He moved an amendment seconded by MR. JOHNSTON, that when the House adjourn on Thursday, that it stand adjourned until Tuesday next instead of Monday. - (Laughter.)[207]

(70)

Mr. Prince moved in amendment, seconded by Mr. Johnston, that the word "Monday" in the said motion be struck out, and the word "Tuesday" substituted.

MR. BALDWIN wished to offer a word or two in explanation, in consequence of what had fallen from the Hon. Attorney General. He (Mr. B.) had certainly expressed surprize that the hon. and learned gentle-

man, entertaining such an anxious desire to obtain justice for the French Canadians, had not supported him in 1841, when he resigned expressly for that purpose; but he (Mr. B.) did not mean to convey the idea that the Attorney General was bound to him (Mr. B.) in any way.[208]

MR. WATTS did not think that the discussion had taken a proper turn. This correspondence ought to be considered in its general bearings upon the interests of Lower Canada in particular, - (hear, hear;) - it was of secondary importance whether the hon'ble member for Terrebonne[209] had been guilty of a breach of private confidence or not. (Cries of oh! oh!)[210] In all probability the conduct of the hon. and learned member for Terrebonne will be censured or applauded according to the political bias of the persons who pass judgment on it.[211] As for the remarks which had fallen from the member for Essex, he placed very little reliance in them[212]. ((He)) (Col. Prince) had stated that the conduct of the hon. member for Terrebonne was calculated to excite disgust. Be that as it may, it was his (Mr. W.) opinion that the hon. member for Terrebonne ... would be in power before twelve months had passed over[213], and he had no doubt if ((he and)) the member for the Fourth Riding of York came into power to-morrow, that gentleman ((Col. Prince)) in spite of all the hard things he had said would be found as a staunch a supporter[214] as he had been before, and as he had been to every ministry since he came to the country. What is the subject of debate at present? (Hear, hear.) It appears that there has been a secret correspondence commenced without the knowledge of his colleagues or his supporters, between the leader of the Ministry and a leading gentleman of opposite politics, for the purpose of strengthening the Ministry by the adhesion of the great body of the Lower Canadians, and turning out his colleagues to fill their places from the opposition benches[215] and he conceived the real question was, did that House approve of such transactions.... With regard to the course taken by the Hon. Attorney General, he (Mr. W.) did not approve of it; he denied that he ((Mr. D.)) had any right to carry on the correspondence which he had done without consulting the majority which supported him last session. (Ironical cheers and laughter.)[216] ((And)) he (Mr. W.) did not approve of this correspondence.[217] It was against the spirit of Responsible Government for him to act as he had done. (Shouts of laughter.)[218] The ministry were placed in their seats by the votes of the majority of this House, and they, the L. C. section of this majority, had given them a steady and hearty support, and had never once allowed them to be placed in a minority from the commencement of the present Parliament up to the present. They had, therefore, no right to sell a portion of that majority - to adopt a course that would kick a number of members into the opposition.[219] It was an attempt to drive five or six members of their side ((of)) the House to the other in order to obtain a majority of twenty. (Hear!)[220] He (Mr. W.) denied that the Attorney General West had a right to cabal with the leaders of the opposition without the knowledge of his colleagues. He would ask the hon. members for Missisquoi, Three Rivers, Ottawa, and Megantic, who form the Lower Canada section of the Ministry,

whether they were made acquainted with the existence of this correspondence when it commenced or not. (Loud cries of hear, hear, hear.) - He (Mr. W.) was under the impression that they were not, and for the members of the party which has supported the Government, how were they made aware of this correspondence? Was it communicated to them by the hon. Atty. Gen. or his colleagues, or has not its existence been made known to them by the members of the opposition. (Hear, hear.) - If two Generals in the charge of adverse armies, were, without the knowledge and consent of their respective governments, caught in secret correspondence to betray the troops under their command, we all know the punishment they would receive for their treachery, and he (Mr. W.) would ask whether there was such a wide distinction between military and political honour, that what would be ruin in the one, case was to be applauded in the other. But to come to a nearer parallel - if Sir R. Peel, without the knowledge of the Duke of Wellington and His colleagues, were caught tampering in a secret correspondence with Lord John Russell, with a view to changes in the Ministry, would not his conduct be reprobated by the whole British Parliament and people? If such would be the case, he (Mr. W.) considered that the Attorney General had acted decidedly wrong in commencing these negotiations without the knowledge of his colleagues and his party, and he (Mr. W.) as an independent member of this House, felt it his duty to his constituents to protest against their being victimized by the Attorney General for Upper Canada, whose sole object seemed to be to strengthen his own hands at the expense of the British population of Lower Canada.[221]

((MESSRS. CHAUVEAU et CAUCHON ont dit)) quelques mots.[222]

COL. PRINCE: He should not have troubled the House again if he had not been taunted by the Hon. Member for Drummond, with having supported the late Ministry, he did not deny it, and he opposed them now because they opposed the principles that they then supported. There was no difference betwen (sic) the present Ministry as to principle. The opposition arises merely for place and not for principle, he defied them to point out any inconsistency in his (Mr. P.) conduct. (Ironical cheers.)[223]

(70)

The question having been put on the motion of amendment, it passed in the negative.

The question being then put on the main motion, it was agreed to, and

Ordered, Accordingly.

Orders postponed. *Ordered, That the Orders of the Day be postponed until to-morrow,*

Then, on motion of the Honourable Mr. Viger, seconded by Mr. Gowan, The House adjourned.

APPENDIX, 7 APRIL 1846.

((QUESTIONS AND ANSWERS RE: COLONIZATION OF SAGUENAY.))

DR. LATERRIERE demanda ... aux messieurs du cabinet si le gouvernement se proposait de soumettre à cette chambre, dans cette session, quelque mesure relative à l'organisation du nouveau Saguenay....

L'expédience d'octroyer des titres aux colons qui se sont établis sur ce territoire depuis quatre à cinq ans; à quel prix l'acre et à quelle condition?[224]

MR. COM. CR. LANDS PAPINEAU ((a répondu:)) Le gouvernement s'en occupe mais n'est pas encore prêt à répondre à cette question.[225]

DR. LATERRIERE ((demanda:)) Si c'est l'intention du gouvernement de séparer l'ancien du nouveau Saguenay; de constituer ce dernier en district judiciaire et y nommer un juge résident?[226]

MR. COM. CR. LANDS PAPINEAU ((a répondu:)) Nous avons à ce sujet un projet qui n'est pas encore mûr.[227]

DR. LATERRIERE ((demanda:)) Si c'est l'intention du pouvoir au moins de donner à cette nouvelle section du pays un membre pour la représenter en parlement?[228]

MR. COM. CR. LANDS PAPINEAU ((a répondu:)) Non....[229]

DR. LATERRIERE ((demanda:)) Si c'est aussi son intention d'abandonner pendant quelques années le revenu de la vente des bois sur les terres de la couronne, dans cette localité, pour que cet argent soit employé à l'ouverture des grandes communications dans ce district, et à l'entretien des postes de distance en distance sur le chemin Bagot que le gouvernement a fait tracer?[230]

MR. COM. CR. LANDS PAPINEAU ((répondit:)) Non, ce serait absurde! avec quoi payerait-on nos dettes?[231]

DR. LATERRIERE ((demanda:)) Si conformément aux promesses qui ont été faites à ceux qui ont pris ou prendront des terres chaque côté du chemin Sydenham le gouvernement se propose de leur accorder ces terres gratuitement?[232]

MR. COM. CR. LANDS PAPINEAU ((répondit:)) Je ne suis point prêt à répondre à cette question.[233]

DR. LATERRIERE ((demanda:)) Si à Chicoutimi le terrain de la Chapelle des Sauvages, leur cimetière et l'ancienne maison des Jésuites, non loin de la sus-dite chapelle, seront reservées formellement comme appartenant au culte catholique et ne pouvant avoir d'autre destination?[234]

MR. COM. CR. LANDS PAPINEAU ((répondit:)) "Je ne suis point prêt à répondre à cette question."[235]

DR. LATERRIERE ((demanda:)) Si outre les dix acres de terrain pour établissement d'Eglises Paroissiales, Cimetières, &c., partout où Monseigneur l'Archevêque jugera convenable d'établir une Paroisse, le

gouvernement accordera gratuitement un lot de terre en faveur de la Fabrique de la dite Paroisse?[236]

MR. COM. CR. LANDS PAPINEAU ((répondit:)) "Je ne suis point prêt à répondre à cette question."[237]

DR. LATERRIERE ((demanda:)) Si en faveur de chaque arrondissement d'école, en sus de l'acre accordé, il sera également donné par le gouvernement un lot de terre?[238]

MR. COM. CR. LANDS PAPINEAU ((répondit: "Je ne suis point prêt à répondre à cette question."))[239]

DR. LATERRIERE ((demanda:)) Si à aucune des deux localités, la grande Baie et Chicoutimi, il ne serait point expédient d'accorder par écoles modèle (sic), deux lots de terre pour chacune de ces écoles?[240]

MR. COM. CR. LANDS PAPINEAU ((répondit: "Je ne suis point prêt à répondre cette question."))[241]

DR. LATERRIERE ((demanda:)) Si l'intention du gouvernement est d'accorder quatre lots de terre en faveur d'un collège qui devra sous peu d'années être établi dans la principale localité?[242]

MR. COM. CR. LANDS PAPINEAU ((répondit: "Je ne suis point prêt à répondre à cette question."))[243]

DR. LATERRIERE ((demanda:)) Si, confomément à la suggestion qu'en a faite le commissaire des terres de la couronne, dans son rapport sur le Saguenay, le 27 septembre dernier, le gouvernement se propose d'accorder une annuité à même le revenu qu'il perçoit de la location des postes du roi en faveur des sauvages Montegnais, - en outre, des terres en townships au lac St. Jean, à Chicoutimi, à la rivière Betseamitis et Godbout, sur lesquelles ils pourraient se fixer et se livrer à l'agriculture comme dernier moyen de salut?[244]

MR. COM. CR. LANDS PAPINEAU ((répondit)) Le gouvernement a en contemplation le projet de réunir cette tribu sur une île à la décharge du lac St. Jean pour essayer de leur faire apprécier les avantages d'un plus haut degré de civilisation; mais le gouvernement n'est pas encore décidé à leur faire toucher une annuité.[245]

((QUESTION AND ANSWER RE: AMENDMENT OF SCHOOL LAW.))

M. LAFONTAINE a demandé ... à l'administration si c'était son intention d'amender la loi d'éducation de manière à faire disparaître la taxe compulsoire (sic).[246]

MR. COM. CR. LANDS PAPINEAU répondit que non.[247]

Mais, dit "M. Lafontaine," j'ai vu quelque chose à ce sujet dans un document public.[248]

MR. COM. CR. LANDS PAPINEAU, après un moment d'hésitation: Ce que vous avez vu est peut-être un document publié, mais non public.

L'on se met à rire[249].

((QUESTION AND ANSWER RE: CONDUCT OF COL. GUGY.))[250]

MR. CAUCHON ... made an enquiry of Ministers respecting the conduct of Col Gugy, Adjutant of Militia for Lower Canada, according to notice.[251]

In answer MR. AT. GEN. SMITH stated that when the complaints against Col. Gugy, who was a public officer, are in the possession of the Government, then they would be prepared to answer the enquiry.[252]

((WITHDRAWN MOTION RE: CORRESPONDENCE OF COL. GUGY AND COL. DEHERTEL.))[253]

MR. JOHNSTON moved that an humble address be presented to His Excellency the Administrator of the Government, praying for copies of all correspondence between Col. Gugy and Col. DeHertel.[254]

MR. CAUCHON wished to ask the Ministry if they had been put in possession of the complaints of the constituents relating to Col. Gugy.[255]

MR. AT. GEN. SMITH: It is very unparliamentary to wander from the subject before the Chair, and to enter into a tirade against a public officer without first having laid complaints before Government; and is it not unparliamentary to ask if the Government are going to enter into an enquiry against a public officer; what right has he to ask questions of this nature of us? Does he think we are responsible for the appointments in the militia? When that question was settled, then they would justify them if required.[256]

MR. JOHNSTON begged leave to withdraw his motion.[257]

((WITHDRAWN MOTION RE: CONDUCT OF JUDGE HENRY ALLEN.))[258]

MR. ERMATINGER - In moving this address, he would beg to state that the subject is one of great importance, it involves the conduct of one of the Judges of a large district in Upper Canada. The law of the last session has fortified them in security - they are rendered independent of every thing but of this House. - He wished that the complaints forwarded to the Government in reference to the conduct of Henry Allen, Judge of the London District, might be laid on the table of this House. A district containing upwards of 40,000 inhabitants was tyrannized over by this Judge. He would beg to lay an instance or two of his arbitrary conduct before the House. On one occasion about 100 persons were assembled in the Court House, Henry Allen, Judge of the District Court, for a frivolous pretence dismissed the court, without any business being transacted; again in reference to his decisions, they were contrary in his (Mr. E.) opinion to both law and equity; one instance he would mention - one person sued another on a note for 25s. and on a bond for 27s. The defendant swore that he never had any transaction with the plaintiff to the amount of 22s. 6d., and the plaintiff was obliged to bring up seven witnesses, and obtained but tardy justice. The defendant then turns round and sues the plaintiff for the sum of £4, and obtains judgment, and on this

account was indicted for perjury, and convicted. He (Mr. E.) would beg to inform this House that the removal of Henry Allen from the office of Judge of the London District is ardently wished for both by the people, the bar and the magistrates - they were all of them dissatisfied with his conduct.[259]

COL. PRINCE - He hoped that the hon. member for Middlesex, would not press his motion. All the members will recollect that at the last session a bill was passed for making the Judges independent of the crown. This was following the example set to them by George the IV., who, in his first speech from the Throne, to the Parliament of Great Britain, recommended that the Judges ought to be made independent of the Crown. He (Mr. Prince) did not stand here as the counsel of Judge Allen, he did not stand here as his defender, but as the advocate of justice. Judge Allen may have adjudged a few cases contrary to the opinion of some individuals, contrary to the opinion of the hon. member for Middlesex, but is he for this to be dismissed from his office? The Judge may have erred in judgment, and we must make every allowance for him; he has for a number of years resided in the West Indies, and he may have his prejudices. Before a Judge can be removed he must be proved either grossly ignorant or grossly corrupt; now does the hon. member for Middlesex mean to charge him as being either corrupt or ignorant? Is he to be dismissed he would again ask for merely deciding a case or two perhaps wrong? As he said before, he did not stand here as the advocate of Judge Allen, no, but it was the pride of his heart to stand forth as the advocate & defender of the legal profession.[260]

MR. BALDWIN - He said that he was not aware of the course that the ministry intended to take in reference to the motion; if they allowed it to pass, it would be casting a reproof on the Government; he wondered to see them sitting so long silent.[261]

MR. AT. GEN. DRAPER - Hear, hear.[262]

MR. BALDWIN - The hon. Attor. Gen. said "hear, hear," it well became him to hear; he (Mr. B.) considered it the sacred duty of the administration to keep the fountain of justice clear, there was no duty more incumbent on them than to protect the people from incompetent or corrupt judges. He held it to be the duty of the ministry if they found ignorant or corrupt judges to come down to this House with the information. If the motion was agreed to, it would imply that the Government had been guilty of a neglect of duty, in not having the complaints forwarded to them investigated. He did not think that the hon. member for Middlesex had made out a case of corruption, sufficient to call upon this House to pass the motion for an address.[263]

MR. AT. GEN. DRAPER would explain that the reason why he just now said "hear, hear," was his astonishment that the hon. member for the Fourth Riding of York should take it for granted that the Government would allow the motion to pass without the proper notice. He (Mr. Atty. Gen.) would have replied immediately, upon the motion being read, had he not seen that the hon. mover was about to speak. He

(the Atty. Gen.) came down to the House prepared to give the explanations required. He held it to be his duty, as it would be that of any one in his place, to do so. (Hear, hear.) The Government was bound to investigate such questions, and should not leave to the House the responsibility arising out of them. (Hear,hear.) With regard then to the case immediately before the House, he (the Atty. Gen.) had to state that complaints against the Judge who was referred to had been received, and after full deliberation the Government had resolved not to bring them before the House. They were of opinion, that although the Judge had erred, it was not to that extent to call for the interference of the House. Other charges had lately been preferred, and were under the consideration of the Government. Representations had also been made to him (the Atty. Gen.) individually, but he advised the party to submit them in the proper shape. (Hear.)[264]

MR. BALDWIN explained that he had presumed that no member of the Government intended to speak to the motion, from seeing the Speaker was about to put it.[265]

MR. AT. GEN. DRAPER: It was from mere accident that he was not up before the speaker made the attempt.[266]

MR. AYLWIN had not the honor of knowing Mr. Allen; but from what had been stated, both by the hon. member for Middlesex, and by the Atorney (sic) General, he believed him (Mr. Allen) to be an honest man.[267]

MR. ERMATINGER thought it due to himself, after all that had been said, to make a few remarks. He did not accuse the Judge of corruption. It was not for him to pronounce in the matter after the Government had taken the initiative. The hon. and learned member for Essex had made a beautiful appeal; but he (Mr. E) had a plain duty to perform for those who sent him to that House, - people who were not capable of fine appeals, but who were honest, and had to earn their bread by the sweat of their brow. He (Mr. E.) had not spoken of gross corruption, but that there was gross incapacity, could not be mistaken; so thought the magistrates, the bar, and the people.[268]

COL. PRINCE: Where is the proof of this?[269]

MR. ERMATINGER: I presume there is as much proof for it as for what you say. (Laughter.) He (Mr. E.) had been several years in correspondence respecting that Judge. He always pressed for his removal, with the expectation that the charges which he urged would be enquired into, and his present object was that the House might see from the corrsepondence (sic) he wished to be produced, that the only way to remedy the evil was by amending the law. The last letter he (Mr. E.) received, stated that the Government could not remove the Judge, becasue the law did not allow it; meaning if words meant any thing, that they would remove him if they could. In consequence however of the suggestions of his friends he would withdraw his motion.[270]

FOOTNOTES - 7 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts.
2. MIRROR, 7 April 1846.
3. IBID.
4. The debate on this motion was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts. There is a commentary in LE JOURNAL DE QUEBEC, 16 April 1846.
5. MIRROR, 7 April 1846.
6. IBID.
7. IBID.
8. The debate on this motion was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts. There is a commentary in PILOT, 7 April 1846.
9. MIRROR, 7 April 1846.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. The debate on this motion was reported by: MONTREAL GAZETTE, 8 April 1846; MIRROR, 7 April 1846, and PILOT, 9 April 1846, in identical accounts; MIRROR, 7 April 1846, and LA MINERVE, 9, 13 April 1846, in accounts which contain some identical speeches, and some which are completely dissimilar; LE JOURNAL DE QUEBEC, 8 April 1846, whose account was copied from LA MINERVE, 9, 13 April 1846; and MONTREAL GAZETTE, 10 April 1846, BRITISH COLONIST, 17, 21 April 1846; CHATHAM GLEANER, 21 April 1846, and L'AURORE, 15 April 1846, in accounts identical in most respects except that the reports in the MONTREAL GAZETTE and the BRITISH COLONIST contain more speakers than those in the CHATHAM GLEANER and L'AURORE, and some of the speeches in the MONTREAL GAZETTE, the BRITISH COLONIST and the CHATHAM GLEANER are given in more detail than those in L'AURORE. Commentaries are contained in: EXAMINER, 15 April 1846; LE JOURNAL DE QUEBEC, 11, 13, 16 April 1846; LE CANADIEN, 15 April 1846; PILOT, 9, 11, 14, 16 April 1846; and L'AURORE, 15 April 1846.
16. The MONTREAL GAZETTE, 8 April 1846, commented that the following debate on the correspondence aroused "a degree of interest unprecedented for some time.... The House was occupied until after seven o'clock by business of comparatively trivial importance. At that time, Mr. Lafontaine rose," and the debate began.
17. MONTREAL GAZETTE, 10 April 1846.
18. MIRROR, 7 April 1846.
19. MONTREAL GAZETTE, 10 April 1846.
20. MIRROR, 7 April 1846.
21. MONTREAL GAZETTE, 10 April 1846.
22. MIRROR, 7 April 1846.
23. MONTREAL GAZETTE, 10 April 1846.
24. MIRROR, 7 April 1846.

MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
IBID. The MONTREAL GAZETTE reported that LaFontaine said "he was not surprised."
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
IBID. LE JOURNAL DE QUEBEC, 11 April 1846, noted that Prince was not at his seat when LaFontaine explained that he had permission to read the letters from Caron.
MIRROR, 7 April 1846.
IBID.
IBID.
LE JOURNAL DE QUEBEC, 11 April 1846.
MIRROR, 7 April 1846.
IBID.
LA MINERVE, 9 April 1846.
MIRROR, 7 April 1846.
IBID. According to MONTREAL GAZETTE, 8 April 1846, Draper "made a brief but most effective speech, which was heartily applauded by his friends and well received by the gentlemen on the opposition Benches."
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.
MIRROR, 7 April 1846.
MONTREAL GAZETTE, 10 April 1846.

70. MIRROR, 7 April 1846.
71. MONTREAL GAZETTE, 10 April 1846.
72. MIRROR, 7 April 1846.
73. MONTREAL GAZETTE, 10 April 1846.
74. MIRROR, 7 April 1846.
75. MONTREAL GAZETTE, 10 April 1846.
76. MIRROR, 7 April 1846.
77. IBID.
78. LA MINERVE, 9 April 1846.
79. MIRROR, 7 April 1846.
80. LA MINERVE, 9 April 1846, commented : "la mine qu'il ((Viger)) ne put s'empêcher de faire en se levant fit pousser un éclat de rire dans les galeries et dans l'enceinte de l'assemblée."
81. According to LA MINERVE, 9 April 1846: "avec un ton d'enthousiasme."
82. LA MINERVE, 9 April 1846.
83. MIRROR, 7 April 1846.
84. MONTREAL GAZETTE, 10 April 1846.
85. MIRROR, 7 April 1846.
86. MONTREAL GAZETTE, 10 April 1846.
87. MIRROR, 7 April 1846.
88. MONTREAL GAZETTE, 10 April 1846.
89. IBID.
90. MIRROR, 7 April 1846.
91. MONTREAL GAZETTE, 10 April 1846.
92. MIRROR, 7 April 1846.
93. MONTREAL GAZETTE, 10 April 1846. LA MINERVE, 9 April 1846, observed: "Pendant le discours de M. Viger, le parti ministériel son propre parti, ne put à diverses reprises, retenir son envie de rire. Mais, M. Viger prit tout pour des applaudissemens."
94. MONTREAL GAZETTE, 10 April 1846.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. MIRROR, 7 April 1846.
100. MONTREAL GAZETTE, 10 April 1846.
101. MIRROR, 7 April 1846.
102. MONTREAL GAZETTE, 10 April 1846.
103. MIRROR, 7 April 1846.
104. MONTREAL GAZETTE, 10 April 1846.
105. MIRROR, 7 April 1846.
106. MONTREAL GAZETTE, 10 April 1846.
107. MIRROR, 7 April 1846.
108. MONTREAL GAZETTE, 10 April 1846.
109. IBID.
110. IBID.
111. MIRROR, 7 April 1846.
112. MONTREAL GAZETTE, 10 April 1846.
113. MIRROR, 7 April 1846.
114. MONTREAL GAZETTE, 10 April 1846.

115. MIRROR, 7 April 1846.
116. MONTREAL GAZETTE, 10 April 1846.
117. MIRROR, 7 April 1846.
118. MONTREAL GAZETTE, 10 April 1846.
119. MIRROR, 7 April 1846.
120. MONTREAL GAZETTE, 10 April 1846.
121. IBID.
122. MIRROR, 7 April 1846.
123. MONTREAL GAZETTE, 10 April 1846.
124. MIRROR, 7 April 1846.
125. MONTREAL GAZETTE, 10 April 1846.
126. IBID.
127. MIRROR, 7 April 1846.
128. MONTREAL GAZETTE, 10 April 1846.
129. MIRROR, 7 April 1846.
130. MONTREAL GAZETTE, 10 April 1846.
131. MIRROR, 7 April 1846.
132. MONTREAL GAZETTE, 10 April 1846.
133. MIRROR, 7 April 1846.
134. MONTREAL GAZETTE, 10 April 1846.
135. IBID.
136. IBID.
137. MIRROR, 7 April 1846.
138. MONTREAL GAZETTE, 10 April 1846.
139. MIRROR, 7 April 1846.
140. MONTREAL GAZETTE, 10 April 1846.
141. MIRROR, 7 April 1846.
142. MONTREAL GAZETTE, 10 April 1846.
143. MIRROR, 7 April 1846.
144. MONTREAL GAZETTE, 10 April 1846.
145. MIRROR, 7 April 1846.
146. MONTREAL GAZETTE, 10 April 1846.
147. MIRROR, 7 April 1846.
148. MONTREAL GAZETTE, 10 April 1846.
149. MIRROR, 7 April 1846.
150. MONTREAL GAZETTE, 10 April 1846.
151. MIRROR, 7 April 1846.
152. MONTREAL GAZETTE, 10 April 1846.
153. MIRROR, 7 April 1846.
154. MONTREAL GAZETTE, 10 April 1846.
155. IBID.
156. IBID.
157. MIRROR, 7 April 1846.
158. MONTREAL GAZETTE, 10 April 1846.
159. MIRROR, 7 April 1846.
160. MONTREAL GAZETTE, 10 April 1846.
161. MIRROR, 7 April 1846.
162. MONTREAL GAZETTE, 10 April 1846.
163. MIRROR, 7 April 1846.

164. MONTREAL GAZETTE, 10 April 1846.
165. MIRROR, 7 April 1846.
166. MONTREAL GAZETTE, 10 April 1846.
167. MIRROR, 7 April 1846.
168. MONTREAL GAZETTE, 10 April 1846.
169. MIRROR, 7 April 1846.
170. MONTREAL GAZETTE, 10 April 1846.
171. MIRROR, 7 April 1846.
172. IBID.
173. IBID.
174. MONTREAL GAZETTE, 10 April 1846.
175. MIRROR, 7 April 1846.
176. MONTREAL GAZETTE, 10 April 1846.
177. MIRROR, 7 April 1846.
178. MONTREAL GAZETTE, 10 April 1846.
179. MIRROR, 7 April 1846.
180. MONTREAL GAZETTE, 10 April 1846.
181. LA MINERVE, 13 April 1846.
182. IBID.
183. IBID.
184. MONTREAL GAZETTE, 10 April 1846.
185. IBID.
186. IBID.
187. MIRROR, 7 April 1846.
188. MONTREAL GAZETTE, 10 April 1846.
189. MIRROR, 7 April 1846.
190. MONTREAL GAZETTE, 10 April 1846.
191. MIRROR, 7 April 1846.
192. MONTREAL GAZETTE, 10 April 1846.
193. IBID.
194. MIRROR, 7 April 1846.
195. MONTREAL GAZETTE, 10 April 1846.
196. MIRROR, 7 April 1846.
197. MONTREAL GAZETTE, 10 April 1846.
198. MIRROR, 7 April 1846.
199. MONTREAL GAZETTE, 10 April 1846.
200. MIRROR, 7 April 1846.
201. MONTREAL GAZETTE, 10 April 1846.
202. IBID.
203. MIRROR, 7 April 1846.
204. MONTREAL GAZETTE, 10 April 1846.
205. MIRROR, 7 April 1846.
206. MONTREAL GAZETTE, 10 April 1846.
207. MIRROR, 7 April 1846.
208. IBID.
209. IBID.
210. MONTREAL GAZETTE, 10 April 1846.
211. MIRROR, 7 April 1846.
212. MONTREAL GAZETTE, 10 April 1846.
213. MIRROR, 7 April 1846.

214. MONTREAL GAZETTE, 10 April 1846.
215. MIRROR, 7 April 1846.
216. MONTREAL GAZETTE, 10 April 1846.
217. MIRROR, 7 April 1846.
218. MONTREAL GAZETTE, 10 April 1846.
219. MIRROR, 7 April 1846.
220. MONTREAL GAZETTE, 10 April 1846.
221. MIRROR, 7 April 1846.
222. LA MINERVE, 9 April 1846.
223. MIRROR, 7 April 1846.
224. LA MINERVE, 13 April 1846.
225. IBID.
226. IBID.
227. IBID.
228. IBID.
229. IBID. LA MINERVE styled Papineau's response to this question as "bien sec."
230. IBID.
231. IBID.
232. IBID.
233. IBID.
234. IBID.
235. IBID.
236. IBID.
237. IBID.
238. IBID.
239. IBID.
240. IBID.
241. IBID.
242. IBID.
243. IBID.
244. IBID.
245. IBID.
246. LE JOURNAL DE QUEBEC, 11 April 1846. The internal evidence in LE JOURNAL DE QUEBEC's reports of this day pinpoints the date of this exchange as either 7 or 8 April 1846. As no other newspaper reported it, it was placed in the Appendix of 7 April 1846.
247. IBID.
248. IBID.
249. IBID.
250. The debate on this matter was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts.
251. MIRROR, 7 April 1846.
252. IBID.
253. The debate on this matter was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts.
254. MIRROR, 7 April 1846.
255. IBID.
256. IBID.
257. IBID.

258. The debate on this matter was reported by: MIRROR, 7 April 1846, and PILOT, 11 April 1846, in identical accounts.
259. MIRROR, 7 April 1846.
260. IBID.
261. IBID.
262. IBID.
263. IBID.
264. IBID.
265. IBID.
266. IBID.
267. IBID.
268. IBID.
269. IBID.
270. IBID.

WEDNESDAY, 8 APRIL 1846.[1]

(70)

Petitions laid on the table.

The following Petitions were severally brought up and laid on the table.

By Mr. Solicitor General Taschereau,--The Petition of William Dawson and others, of the County of Dorchester.

By Mr. Rousseau,--The Petition of J. O. Chevrefils, Esquire, and others, inhabitants of the County of Yamaska.

By Mr. Cummings,--The Petition of Archibald Thompson, Esquire, and others, inhabitants of the Township of Stamford, in the District of Niagara.

By Mr. Webster,--The Petition of James K. Andrews and others, inhabitants of the Township of Dumfries, in the District of Gore.

By Mr. Jessup,--The Petition of William Gibson, Esquire, and others, freeholders of the Township of Edwardsburgh.

By Mr. Chabot,--The Petition of William Power and Jean Casimir Bruneau, Esquires, Circuit Judges in and for the District of Quebec.

By Mr. Roblin,--The Petition of James Carpenter and others, of Demorestville and its vicinity; and the Petition of Thomas Morgan of Hallowell, in the District of Prince Edward.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Francis Small and others, of the County of Halton; praying that no division be made of the Clergy Reserve Lands of the Province.

Of George S. Alton and others, of the Township of Nelson, in the District of Gore; praying that the duties imposed on Agricultural Produce coming into Canada, may be continued.

Of P. Besse and others, of the Parish of Chambly, in the County of Chambly; praying for amendments to the Winter Road Act.

Of Donald Mathison and others, of the Congregation of Richmond, belonging to the Presbyterian Church of Canada, in connexion with the Church of Scotland; praying that the Bill introduced into Parliament during the last Session, relating to the Constitution and Management of King's College, may be passed into a law.

Of Patrick Wallace and others, of Cobourg; praying to be incorporated as the "Cobourg Manufacturing Company," for the purpose of manufacturing Paper.

Of the Honourable Gabriel Roy and others, of La Côte St. Laurent, in the Parish of St. Laurent; praying for an extension of the Ordinance 3rd Vict. chap. 31, so as to include a certain piece of Road within the jurisdiction of the Road Trustees.

Of James Kerby and others, of the Township of Bertie, in the District of Niagara; praying that the District Town may be removed to Port Robinson.

Of Thomas O. Parry and others, of the Township of Gainsboro', in the District of Niagara; and of Samuel Birdsall, Esquire, and others,

of the Township of Canboro', in the District of Niagara; praying for the removal of the District Town to a more central part other than St. Catharines.

Of Ozias Buchner and others, of the Township of Crowland, in the District of Niagara; praying that the District may be removed to Port Robinson.

Of William Edwards and others, inhabitants of the Township of Clarence, in the Ottawa District; praying that the Sectarian Character of the University of King's College be abolished, that the Funds be not divided amongst the different religious denominations, and that Chairs for Agriculture, Chemistry, and Political Economy, be established therein.

Of Gersham Cutlin and others, members of the United Church of England and Ireland, in the Township of Lansdowne, in the Diocese of Toronto; of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Village and Township of Ancaster, in the Diocese of Toronto; of the Reverend A.F. Atkinson and others, members of the United Church of England and Ireland, in the Township of Grantham, in the District of Niagara, in the Diocese of Toronto; of William Graham and others, members of the United Church of England and Ireland, in the Township of Escott, in the District of Johnstown, in the Diocese of Toronto; of George Hornick and others, members of the United Church of England and Ireland, in the Township of Kitley, in the Diocese of Toronto; of M. Cowan and others, members of the United Church of England and Ireland, in the Townships of Uxbridge and Brock; and of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Town of Dundas, and Township of West Gwillimbury, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of J. Taylor, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of John Borrowdale and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands, as shall correspond

(71)

with their share of the funds arising from the same.

Of Thomas Gibbs Ridout, Esquire, and others, members of the Toronto Mechanics' Institute; praying for an Act of Incorporation.

Of E.P. Wilgress and others, Protestant inhabitants of the Parish of St. Michael's, Lachine; praying for certain amendments to the Act to provide for Elementary Instruction in Lower Canada.

Of D.D. Calvin and others, inhabitants of the Township of Wolfe Island; praying to be exempted from the operation of the Act of last Session relating to Ferries.

Of Charles G. Cody and others, of the Township of Dereham, in the District of Brock; praying that the Clergy Reserve Lands may not be placed under the control of any Ecclesiastical Corporation.

Of Richard D. Fraser, Esquire, of Edwardsburgh, in the District of Johnstown; praying for remuneration and support in consideration of the Military services rendered by him.

Of Luc Michel Cressé, Esquire, of the Parish of St. Jean Baptiste de Nicolet; praying that a law may be passed to enable him to dispose of his deeds (Greffe), as he is about to leave the Province.

Of Louise Armand dite Flamme, of the Parish of Longueuil; praying for a Pension in consideration of the death of her Husband, occasioned by a wound received while serving as a Militiaman during the late War with the United States.

Of John Burwell, of Port Burwell, Esquire; praying for the payment of his claim for Stock held in the Port Burwell Harbour Company, surrendered to Government by the said Company.

Of Paschal Lachapelle and others, inhabitants of the Municipality of [illegible], in the Parish of Montreal; praying that the said Municipality may be divided into five distinct Municipalities.

Of John G. Weir and others, of the County of Kent, in the Western District; praying that the County of Kent be set apart as a separate District, and that Chatham be the District Town.

Of George I. Grange, Esquire, Sheriff, and others, of the District of Wellington; praying that no measure may be passed to destroy the religious character, or to invade the chartered Rights of the University of King's College.

Of Benjamin Coffin and others, inhabitants of Gaspé; praying that an Act be passed for proving and registering Marriages solemnized in the said District previous to 1821 by Dissenting Clergymen and before Justices of the Peace, as well as Births and Burials.

Of Thomas Sanders, Esquire, and others, of the District of Wellington; praying that each denomination may have the control of its proportion of the Clergy Reserve Lands, and that the rights of the present occupants be guarded by certain Legislative provisions.

Of Calvin Gates and others, of the Townships of Walpole and Rainham, in the District of Talbot; praying for the construction of a Harbour at Sandusky Creek, either by a grant or by incorporating a Company for that purpose.

Of John S. Moriarty, Esquire, and others, of Percé and parts adjacent, in the County of Gaspé; praying that an Act be passed for proving and registering Marriages solemnised in the said District previous to 1821, by Dissenting Clergymen and before Justices of the Peace, as well as Births and Burials.

Of Thomas Steel and others, of the Townships of Shipton and Melbourne, and their vicinities, in the County of Sherbrooke; praying for a further aid, if necessary, to build the proposed Bridge across the River St. Francis, between Melbourne and Richmond, sufficiently strong for the passage of Rail-cars, and that the Quebec and Melbourne Railroad Company be empowered to use the said Bridge.

Of the Reverend P. H. Harkin and others, inhabitants of the District of St. Francis; praying that more adequate provision be made for the Insane in this Province.

Of Thomas C. Allis and others, inhabitants of the Township of Shipton, in the District of St. Francis; praying that certain amendments be made to the present Charter of the University of King's College.

Of Samuel Wood and others, Agriculturists; praying that provision be made for a Professor's Chair in Chemistry, in its application to Agriculture in the University of King's College, and for the establishment of Model Farms in each District.

Of James H. Comins, of St. Catharines, in Upper Canada; complaining that he has not received the remuneration promised him for his services in Canada during the last War with the United States, and praying relief.

Of David Rintoul and others, of the Township of Beverley, in the District of Gore; praying that the Clergy Reserve Lands be not divided, as petitioned for, but that proceeds thereof may be appropriated to the promotion of general education.

Of S. Vining and others, of the Township of Nissouri, in the District of Brock; of Thomas M'Lean and others, of the Township of Zorra East, in the District of Brock; of A. Burtch and others, of the Township of Oxford East, in the District of Brock; of Jeremiah Cowan and others, of the Township of Blenheim, in the County of Oxford; and of John Maddock and others, of the Township of Puslinch; praying that the Clergy Reserve Lands be not placed under the controul of any Ecclesiastical Corporation.

Of Moses Young and others, of the Township of Dumfries, in the County of Halton; praying that no partition be made of the endowment of King's College, but that it be so managed as to remove sectarian differences.

Of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London; praying that the Clergy Reserve Lands may not be placed under the control of any Ecclesiastical body, but that the proceeds thereof may be appropriated to the promotion of general education.

Of Murdoch M'Kenzie, of Quebec; praying to be indemnified for the loss of his house, which was blown up by the authorities during the late Fire in Quebec.

Of the Reverend Francis J. Lundy, Professor of Classical Literature in McGill College; complaining that he has been illegally dismissed and forcibly ejected from the said College by certain of the Governors thereof, and praying relief.

Of John Francis Rogers, of the Township of Woodstock, in the District of Brock; praying for the payment of a certain Claim for Services rendered during the troubles of 1838.

Of Joel D. Parmenter and others, of Gananoque, Leeds, and Lansdowne; praying for certain Amendments to the Division Court Act.

Of James Taylor, of the Town of Chatham; praying for the payment

of a certain amount due him by the Board of Works for labour performed on the London and Chatham Road.

Of Christopher Lyster and others, inhabitants of Kingsey and other Townships; praying for Aid to continue the Quebec Road through Arthabaska to the junction with the Plank Road from Montreal to Stanstead at the Village of Stanstead.

Of Lieutenant Colonel Cox and others, inhabitants of Windsor and other Townships; praying for Aid to rebuild two Bridges and to repair

(72)

part of the Port St. Francis Road.

Of Jean Louis Ployart, Esquire, of the Township of Durham, in the County of Drummond; praying Indemnity for loss sustained by him through the fault of a public Officer.

Of the Reverend P. M. Mignault and others, of the Parishes of St. [illegible] of Chambly and Longueuil; praying for the passing of a general Law respecting the Construction of Winter Vehicles, in accordance with the Ordinance 3 and 4 Vict., chap. 25.

Of N. B. Desmarteau and others, of Montreal; praying for Amendments to the Montreal Turnpike Road Act.

Of G. H. Ryland, Esquire, Registrar of Montreal; complaining that the Government has not performed certain Engagements entered into with him, and praying relief.

Of John Burwell, Esquire, of Port Burwell; praying against the Incorporation of the "Woodstock, Port Burwell, and Port Rowan Joint Stock Railroad and Commercial Company."

Of John Parson and others, members of the Municipal Council of the Townships of Buckingham and Portland, on the Ottawa; praying for the Construction and Improvement of a certain Road, and the building of Bridges in the said Township.

Of Henry Joseph Jameson, of the City of Quebec, Brewer; praying for the removal of certain disabilities under which he labours as a Bankrupt.

Petitions referred:

John M'Bride, et al.

L. Bell, et al.

J. Prince, Esq.

Ordered, That the Petition of John M'Bride and others, of Upper Canada; the Petition of Lachlan Bell and others, of Upper Canada; and the Petition of John Prince, Esquire, President of the Niagara and Detroit Rivers Railroad Company, and others, freeholders and inhabitants of Upper Canada; be referred to the Select Committee on Railroads.

Hon. G. Roy, et al.

Ordered, That the Petition of the Honourable Gabriel Roy and others, of La Côte St. Laurent, in the Parish of St. Laurent, be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other References.

P. P. Demaray, Esq., and Pierre Gamelin, Esq.

Ordered, That the Petition of P. P. Demaray, Esquire, Warden, and Pierre Gamelin, Esquire, Secretary of the Municipal Council of the Parish of St. John's, Dorchester, be referred to the Select Committee, to which was referred the Petition of the Municipal Council of Hochelaga.

Wm. Edwards, et al.
D. Rintoul, et al.
C. Cody, et al.
S. Vining, et al.
T. M'Lean, et al.
A. Burtch, et al.
J. Cowan, et al.
T. G. Coyne, et al.
J. Maddock, et al.

Ordered, That the Petition of William Edwards and others, inhabitants of the Township of Clarence, in the Ottawa District; the Petition of David Rintoul and others, of the Township of Beverley, in the District of Gore; the Petition of Charles G. Cody and others, of the Township of Dereham, in the District of Brock; the Petition of S. Vining and others, of the Township of Nissouri, in the District of Brock; the Petition of Thomas M'Lean and others, of the Township of Zorra East, in the District of Brock; the Petition of A. Burtch and others, of the Township of Oxford East, in the District of Brock; the Petition of Jeremiah Cowan and others, of the Township of Blenheim, in the County of Oxford; the Petition of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London; and the Petition of John Maddock and others, of the Township of Puslinch; be referred to the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell.

Rev. W. M'Murray, et al.
T. Sanders, Esq., et al.
Rev. W. M'Murray, et al.
M. Cowan, et al.
Rev. J. Hickie, et al.

Ordered, That the Petition of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Village and Township of Ancaster, in the Diocese of Toronto; the Petition of Thomas Sanders, Esquire, and others, of the District of Wellington; the Petition of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the Town of Dundas, and Township of West Gwillimbury, in the Diocese of Toronto; the Petition of M. Cowan and others, members of the United Church of England and Ireland, in the Townships of Uxbridge and Brock; and the Petition of the Reverend John Hickie and others, members of the United Church of England and Ireland, in the Town of Stratford and its vicinity, in the Diocese of Toronto, be referred to the Select Committee, to which was referred the Petition of the Church Society of the Diocese of Toronto.

B. Coffin et al. Ordered, That the Petition of Benjamin Coffin and others, inhabitants of Gaspé; and the Petition of John S. Moriarty and others, of Percé, and parts adjacent, in the County of Gaspé; be referred to the Select Committee, to which was referred the Magdalen Islands Bill and other references.

Municipal Council, (Niagara.) Ordered, That the Petition of the Municipal Council of the District of Niagara (relating to Town Lots) be referred to the Select Committee, to which was referred the Petition of Richard Millar and others, the President and Members of the Board of Police of the Town of Niagara.

J. Sill, et al. Resolved, That the Petition of James Sill and others, of the Township of Walpole, in the District of Talbot, be referred to a Select Committee, composed of Mr. Thompson, the Honourable Mr. Attorney General Draper, the Honourable Mr. Solicitor General Sherwood, Mr. Roblin, and Mr. Dickson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. M'Kenzie, et al. Resolved, That the Petition of John D. M'Kenzie and others, of Beverley and Galt, in the District of Gore, and of the United States of America, be referred to a Select Committee, composed of Mr. Dickson, the Honourable Mr. Attorney General Draper, the Honourable Mr. Cayley, Mr. Webster, and Mr. Chalmers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

H. J. Jameson. Resolved, That the Petition of Henry Joseph Jameson, of the City of Quebec, Brewer, be referred to a Select Committee, composed of Mr. Chauveau, the Honourable Mr. Aylwin, Mr. Solicitor General Taschereau, Mr. Christie, and Mr. Chabot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. G. Weir, et al. Resolved, That the Petition of John G. Weir and others, of the County of Kent, in the Western District, be referred to a Select Committee, composed of Mr. Woods, Mr. Prince, Mr. Cameron, Mr. Ermatinger, and the Honourable Mr. Cayley, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

J. Hutchison, and J. F. M'Carthey. Resolved, That the Petition of James Hutchison and James F. M'Carthey, on behalf of a Public Meeting of the inhabitants of Bayham and

(73)

other Townships, in the Districts of London, Oxford, and Talbot, be referred to a Select Committee, composed of Mr. Ermatinger, Mr. Gowan, Mr. Cummings, Mr. Merritt, and Mr. Williams, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

D. D. Calvin et al. — Resolved, That the Petition of D. D. Calvin and others, inhabitants of the Township of Wolfe Island, be referred to a Select Committee, composed of Mr. Smith of Frontenac, Mr. Stewart of Bytown, Mr. Dickson, Mr. Jessup, and Mr. Seymour, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

C. Hill. — Resolved, That the Petition of Charles Hill, of the Township of Bertie, in the District of Niagara, be referred to a Select Committee, composed of Mr. Thompson, Mr. Macdonell of Stormont, and the Honourable Mr. Papineau, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

G. H. Ryland, Esq. — Resolved, That the Petition of G. H. Ryland, Esquire, Registrar of Montreal, be referred to a Select Committee, composed of Mr. Macdonald of Kingston, the Honourable Mr. Moffatt, Mr. Gowan, Mr. Meyers, the Honourable Mr. Aylwin, and Mr. Hall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

N. B. Desmarteau et al. — Resolved, That the Petition of N. B. Desmarteau and others, of Montreal, be referred to a Select Committee, composed of the Honourable Mr. De Bleury, the Honourable Mr. Moffatt, Mr. Jobin, Mr. Lacoste, and Mr. Colville, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Municipal Council (Victoria.) — Resolved, That the Petition of the Municipal Council of the District of Victoria, (relating to the Municipal Council Act) be referred to a Select Committee, composed of Mr. Murney, Mr. Woods, and the Honourable Mr. Robinson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Resolved, That the Petition of the Municipal Council of the District of Victoria (relating to a macadamized road), be referred to a Select Committee, composed of Mr. Murney, Mr. Roblin, and Mr. Hall, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

R. D. Fraser, Esq.

Resolved, That the Petition of Richard D. Fraser, Esquire, of Edwardsburgh, in the District of Johnstown, be referred to a Select Committee, composed of Mr. Gowan, Mr. Sherwood of Brockville, Mr. Jessup, and Mr. Macdonell of Stormont, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Report on Petition of J. Macara.

Mr. Prince, from the Select Committee to which was referred the Petition of John Macara, of the City of Toronto, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the certificates and documents produced in support of the Petition, and they find that the said John Macara served a Clerkship of five years with a writer to the Signet in the City of Edinburgh, previous to entering upon which the said John Macara attended all the Literary Classes of the University of Edinburgh, required by the Society of Writers to the Signet from members of their body;--that he afterwards attended the Law Classes of the said University, during his clerkship; and that upon these qualifications, which would have entitled him to admission to the Supreme Court of Scotland, he was duly admitted to practice before the Sheriff's Courts of Scotland.

Your Committee further find that the said John Macara, has duly served under articles of Clerkship to an Attorney at Law and Solicitor in Chancery in this Province, since the 1st June, 1842, and that he has been a member of the Law Society of Upper Canada for upwards of three years.

Your Committee beg further to report, that the said John Macara has produced to them testimonials from very high authorities in favor of his character and ability for the practice of his profession.

Your Committee are of opinion that the said John Macara is only debarred from practising in the Courts of this Province by the rigid construction placed upon the Statute 7 Will. IV., c. 15, which has not described the Scottish Courts by the terms applied to them in Scotland, and has thus excluded the great body of Scottish Solicitors from the privileges enjoyed by English and Irish Solicitors in this Province,--an exclusion, however, which falls with unusual severity on the Petitioner, in as much as his qualifications entitled him to rank in the highest class of Scottish Practitioners.

While your Committee would recommend the claim of Mr. Macara to relief, as one entitled, in its peculiar circumstances to the favourable consideration of the Provincial Parliament;--they would also recommend that a general measure should be introduced, admitting Solicitors, Writers, or Advocates, before the Sheriff's Courts of Scotland, after service of three years in this Province, to the privileges enjoyed here by English and Irish Solicitors.

Macara's Relief Bill.

Ordered, That Mr. Prince have leave to bring in a Bill for the relief of John Macara, of the City of Toronto, Esquire.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

MR. SCOTT[2] moved that an address be presented to His Excellency for all correspondence between the Government and the Commissioners appointed to examine into ((the Lower Canada Rebellion losses claims))[3].

MR. COLVILLE - was happy to have an opportunity of saying a few words on this subject. He would ask the Ministry why the claims that had been adjudicated upon in 1838 and 1839, had not been settled? He (Mr. C.) thought it was not right that the payment of these persons should be delayed until all the claims were decided upon.[4]

MR. SCOTT - was desirous that the instructions given by the Government to these Commissioners should be laid before the House, as he understood that these instructions are not such as they ought to be. Individuals have presented large claims which cannot be substantiated - he (Mr. S.) thought they ought te (sic) have been obliged to go before a magistrate and swear to the correctness of them. The Commissioners will probably report that £150,000 is claimed, when only £100,000 is really due for losses.[5]

MR. MEYERS - had seen in the papers, that a discussion had arisen before the Commissioners with respect to those who would be allowed to present their claims, and that they had decided to allow those who had taken up arms against the Government, and whose property was in consequence destroyed, to fyle their claims. He (Mr. M.) must, in the name of the people of Upper Canada, protest against paying the losses of any rebels.[6] Such a course would be offering a premium for rebellion, and ... the country would not support the Government in such a proceeding.[7]

MR. SOL. GEN. SHERWOOD replied, that if members would reserve their opinions until such time as Ministers came down with a measure for this purpose, they would not find that the Administration intended to do any such thing.[8]

MR. MORIN - The people of Lower Canada had been calumniated long enough. They had been obliged to submit to illegal courts, and now it was attempted, notwithstanding all the professions of oblivion of what was pased (sic), to have their loyalty tried before commissioners.[9]

MR. HALL. - Though we are willing to cast the shade of oblivion over the past, we are not prepared to pay rebels for their losses.[10]

MR. ARMSTRONG, did more to pacify the inhabitants of the section of the country in which he resided, than gentlemen opposite, and yet he had been called a disloyal man. If a person happened to differ from his neighbours, and his house was attacked, and he defended it, he was then called a rebel.[11]

(73)

On motion of Mr. Scott, seconded by Mr. Chauveau,

Address, Rebellion Losses, (L. C.)

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that he will be pleased to cause the proper officer to lay before this House, a copy of all correspondence which may have taken place between the Government and the Commission now appointed to enquire into the losses sustained by the inhabitants of Lower Canada, during the late Rebellion, with the Instructions given to the said Commission.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Magdalen Islands.

Ordered, That the Report of the Select Committee, to which was referred the Petition of Joseph Cormier, Esquire, and others, of the Magdalen Islands, in the County of Gaspé, be committed to a Committee of the whole House on to-morrow.

(74)

Board of Works.

Ordered, That two hundred and fifty copies of the Report of the Board of Works, dated December, 1845, laid before the House on the sixth instant, be printed in each of the English and French Languages, for the use of the Members of this House.

On motion of Mr. Christie, seconded by Mr. LeBoutillier,

Message for Assistant Clerk Legislative Council to attend Select Committee.

Resolved, That a Message be sent to the Honourable the Legislative Council; praying their Honours will permit Charles DeLéry, Esquire, one of the Clerks assistant of their Honourable House, to attend the Select Committee appointed by this House, to enquire into, and report upon the state and condition of the Rolls, Records, Journals, and other papers appertaining to the late Parliaments of Upper and Lower Canada, and of the Judicial Registers, Records, Archives, and Papers appertaining to the several Courts of Justice in Lower Canada, and whether the same are kept and classed in an orderly and systematic manner, and due precautions taken for their safe keeping and preservation; on Saturday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That Mr. Christie do carry the said Message to the Honourable the Legislative Council.

Trinity Houses, (Quebec and Montreal.)

Mr. Murney, from the Committee of the whole House, to take into consideration the expediency of repealing the Acts and Ordinances of Lower

Canada, establishing the Trinity Houses of Quebec and Montreal, and regulating Pilots and Pilotage, with a view to the substitution of other enactments of the same subject, reported according to Order, the Resolution of the said committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the Acts and Ordinances of Lower Canada, establishing the Trinity Houses of Quebec and Montreal, and regulating Pilots and Pilotage; with a view to the substitution of further enactments on the said subject.

Trinity House Bill (Quebec.) Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to amend and consolidate the Laws and Ordinances now in force, relating to the powers and duties of the Corporation of the Trinity House of Quebec, to Pilots and Pilotage in the Port of Quebec, and to the Quebec decayed Pilot Fund, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday, the 17th instant.

Trinity House Bill (Montreal.) Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to repeal certain Acts, and an Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday, the 17th instant.

Cobourg Railroad. Mr. Jessup, from the Committee of the whole House, to take into consideration the expediency of reviving and amending an Act of the Legislature of the late Province of Upper Canada, passed in the fourteenth year of the Reign of His late Majesty, King William the Fourth, intituled, "An Act to incorporate certain persons under the style and title of the Cobourg Railroad Company," and for other purposes therein mentioned, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to revive and amend an Act of the Legislature of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty, King William the Fourth, intituled, "An Act to incorporate certain persons under the style and title of the Cobourg Railroad Company," and for other purposes therein mentioned.

Cobourg Railroad Bill. Ordered, That Mr. Meyers have leave to bring in a Bill to revive and amend the Act of Upper Canada, incorporating the Cobourg Railroad Company, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Winter Roads Bill. *The Order of the Day for the second reading of the Bill to repeal two certain Ordinances therein mentioned, relating to Winter Roads, in that part of the Province heretofore Lower Canada, in so far as regards the District of Quebec, the District of Gaspé, and that part of the District of Three Rivers which is or was in the Municipal District of Portneuf, being read;*[12]

MR. LAURIN moved that the bill ... be read a second time.[13]

MR. DEBLEURY requested the mover to postpone the second reading for a few days, as he (Mr. D) intended to bring in a bill on Monday or Tuesday next to regulate Winter Roads throughout Lower Canada, and this measure might be included in it.[14]

MR. LAURIN objected to do so, as this had been done last session[15].

(74)

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Cauchon took the Chair of the Committee,

MR. AYLWIN thought that winter roads were not a proper subject for legislation. An Ordinance similar to the late Special Council Ordinance, was passed in 1788, but the feelings of the people were so much opposed to it, that it became a dead letter, and was repealed two or three years afterwards. These laws are more apt to retard the desired improvement than to forward it.[16]

MR. MOFFATT - Unless something is done to enable the people of the Eastern Townships to come to Montreal, with their double sleighs, they would continue to be put to great inconvenience, and it would virtually be sending them to Boston as their market.[17]

MR. CHABOT - The roads are worse in the district of Quebec than in Montreal, and the bill has reference to Quebec.[18]

MR. McCONNELL's constituents were very much interested in this subject, as when they started from their houses for Montreal, with a double team, they were obliged, when they came to the seigniories, to unyoke their horses and place them one before another; and every one knew that horses could not in this way draw as much as when they were placed abreast. He (Mr. McC) did not think the French Canadians were such unreasonable men as to object to adopt means to obtain good roads for themselves and for their neighbours.[19]

MR. COLVILLE recommended that every municipality should have a snow plough.[20]

MR. SCOTT said, while the people of Upper Canada and the United

States had good roads they had execrable ones. The only time in which they had good winter roads, fit for rational creatures, was the two years after the Ordinance of the Special Council was passed; and he was sorry, after the people had been put to great expense to obtain new sleighs, that the beneficial parts of the ordinance had been repealed.[21]

(74)

and after sometime spent therein,

Mr. Speaker resumed the Chair, and Mr. Cauchon reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

Agricultural Socities Bill. — *The Order of the Day for the second reading of the Bill to amend the Act for the encouragement of Agriculture, by the establishment of Agricultural Societies in Lower Canada, being read;*

The said Bill was read accordingly.

Ordered, That the said Bill be Engrossed.

Report on Printing. — *The Order of the Day for taking into consideration the First Report of the Standing Committee on Printing and Binding, being read;*

The House proceeded accordingly to take the said Report into consideration, and the said Report being again read,

Concurred in. — *Resolved, That this House doth concur in the First Report of the Standing Committee on Printing and Binding.*

Authentic Actes Bill. — *The Order of the Day for the second reading of the Bill for better regulating the formalities of authentic Actes passed before Notaries, being read;*

The Honourable Mr. Viger moved, seconded by the Honourable Mr. Attorney-General Smith, that the said Bill be now read a second time.

Mr. Laurin moved in amendment, seconded by Mr. Lacoste, that the word "now", in the said motion, be struck out, and the word "tomorrow" be substituted.

The Question having been put upon the motion of amendment, it was agreed to by the House.

The Question being then put on the main motion, as amended, it was also agreed to, and

Ordered, Accordingly.

(75)

Assessment Bill. — *The Order of the Day for the second reading of the Bill to regulate Assessments and the appointment of Collectors and Assessors in Upper Canada, being read;*[22]

MR. AT. GEN. DRAPER. - He was anxious to know if the hon. members opposite would contest the bill. The bill was essentially dif-

ferent from the former one in many respects, and he had received many suggestions from different parts of the county, respecting it if the hon. members were not opposed to the principle of the bill he would move that the House go into Committee upon it, when any amendments not contrary to the principle of the Bill might be made. When the House went into Committee he would enter fully into the question.[23]

(75)

The Honourable Mr. Attorney-General Draper moved, seconded by the Honourable Mr. Attorney-General Smith, that the said Bill be now read a second time.

MR. PRICE. - He hoped that when the House went into Committee the hon. gentleman would take into consideration if it would not be advisable to tax captial and leave the farmer alone; he was afraid that the Bill as it now stood would tax the farmers chiefly. A man who had his farm mortgaged would have to pay tax on the whole value of the property while the capitalist who had perhaps a greater amount vested in the farm then (sic) the owner escaped free; he objected to one class being heavier taxed than another, especially that class which contributed so much to the prosperity of the country, he hoped that the hon. gentleman when the House went into Committee would take this into consideration. He liked the Bill.[24]

MR. MEYERS objected to the Bill unles it was extended to both parts of the Province.[25]

MR. AT. GEN. DRAPER. - The hon. gentleman has overlooked that the municipalities in Lower Canada had power to impose taxes for local purposes; he (Mr. D.) was not introducing a new system of taxation but was only endeavouring to improve the old one which had existed for so many years.[26]

MR. HALL said that on a former occasion he had been misunderstood in this House, and unintentionally misreported. He was reported to have said hat (sic) he was opposed to all taxation. - Now what he really did say was, that while the country had a surplus revenue - while it raised enough by indirect taxation to carry on the expenses of Government and leave a large balance - it was not only unnecessary to resort to direct taxation, but was both unjust and impolitic. He was answered that a country could not thrive without taxation, and was pointed to the United States for proof of this assertion. However, the hon. member who had made that remark was mistaken in his facts, for in the United States the customs collected at the various ports went to support the expenses of the Federal Government, and the direct taxation to the particular State. Since the evening upon which the bill was introduced, however, the circumstances had been entirely changed, from the announcement which had been made by a member of the Government that the administration of justice was to be charged on the Provincial Revenue. Thus this tax

would be levied for the future only to supply the necessities of the locality where they are levied.[27]

COL. PRINCE objected to members entering into a discussion of the bill now; if hon. members have no material objection to the bill, they should let it be read now, and when the House went into committee upon it, they might discuss it then. He put it to the House whether it was not unparliamentary to go into the merits of the bill now, unless hon. memeers (sic) were opposed to the principle of the bill.[28]

MR. ROBLIN mentioned several objections he had against the bill, especially with regard to the appointment of assessors, and to the manner of assessing personal property, which, he said, he merely threw out as hints, in order that they might consider them before the House went into committee on the bill.[29]

MR. R. MACDONALD of Cornwall rose and said, this is the most important measure of the session and he could not remain silent, while such an important measure was under discussion. As the measure related solely to Upper Canada, he hoped to see the members for that section of the Province come forward en masse and express their opinion on the bill. He for one was not prepared to support the measure. He would beg to ask whether such a measure should be passed without the opinion of the people being expressed on it, he was not prepared to legislate till that opinion had been expressed, they had not petitioned for such a measure. He had no objection to authority being given to Municipal Councils to tax their Districts for local improvements but he did not think that a compulsory measure, ought to be passed. He would vote against the bill.[30]

MR. SOL. GEN. SHERWOOD. - He considered that this was the proper time to discuss the principles of the bill; when the principles are established at the second reading, the House goes into committee of the whole, and the details of the bill are then settled. He believed the principle of the bill to be this: real property shall be taxed according to its real value, and not according to its arbitrary value. Is, said he, a person who owns property to the value of £1500 to pay no more than a person who owns to the value of £200? Is a person who lives in a two story house to pay no more than the poor man who lives in his one story house? He considered that the country should be taxed ad valorem. This principle had been introduced in the city of Toronto, and had been found to operate beneficially; he considered that this principle would be pronounced the most equitable and just that could be adopted. The honorable member for the West Riding of York had asked him to corroborate his statement that a great deal of the property in Toronto was, although nominally owned by the possessors, in reality owned by the wealthy capitalist, who held mortgages. He was aware that such was the case, but he drew quite different conclusions from those of the honourable member; if the mortgages were to be taxed, and the nominal owner only to pay according to the actual amount he owed of the property, then the mortgagee

would be compelled to pay all the taxes; it would be an inducement to mortgage the property. The mortgagee would be paying all the taxes; the actual owner would be enjoying all the benefit. It has been said that the bill is confined only to a few odescriptions (sic) ((o))f property; if you agree with the principle of the bill, vote for the second reading, and when it is committed you can make amendments to it. The principle adopted in the bill has been approved of, both in Great Britain and the United States. It had been objected to the appointing of the assessors; now, he thought that hon. member had misunderstood the subject; the bill gave power to appoint assessors for each township, and, if they deemed fit, to unite two townships. Again, it has been objected to the bill that it is compulsory, and the people have not called for it. He would beg to state that it was not a compulsory measure; it only gave power to the District Councillors to tax their respective Districts if they saw fit, and he felt convinced hon. gentlemen will admit that the District Councillors are legitimately the people. It had also been objected that the bill did not include Lower Canada, but Lower Canada had their Municipal Councils, who were empowered to tax. If the people of Lower Canada did not choose to levy taxes for local improvements, then let them remain as they are; but the people of Upper Canada knew the benefit of taxation, and he was confident that they would gladly avail themselves of this bill to levy taxes for local improvements. He had no desire to force on Lower Canada a taxation which they did not want. The hon. member for Prince Edward has objected to the bill, because it repealed two clauses of the Boundary Act. Now, he would beg to ask that hon. gentleman what other course could have been adopted? Was the assessment Bill to be incorporated in the Boundary Law Act, or vice versa? He thought the House ought now to decide on the principle of the bill; the details could be settled in committee.[31]

MR. THOMPSON was disappointed in this bill, it did not go far enough, all property ought to be taxed according to its value. If the Administration went upon the principle that they must have the bill, the whole bill and nothing but the bill he would oppose it, but with the understanding that the amendments might be made to its details he would vote for the second reading. He (Mr. T.) considered it to be oppressive on the poor, it taxed what was in the possession of every poor man, viz, a cow, while many articles that the rich usually possess are exempted. The bill says nothing of taxing Mills, Merchants Shops and Monopolies.[32]

MR. SOL. GEN. SHERWOOD. - Merchants Shops were an omission.[33]

MR. THOMPSON was glad to hear it.[34]

MR. MERRITT was opposed to this bill in principle and detail. In principle because, under the altered circumstances of the country, it was unjust to throw the whole of the taxation upon the agricultural

community. This bill will not be received with satisfaction in Upper Canada.[35]

MR. ROBINSON would ask the member for South Lincoln (Mr. Merritt) what bill he would support if not the present one, as it did not impose any new taxes but only equalized the present system. His consittuents were anxious that alterations would be made, similar to those provided for in this bill.[36]

MR. GOWAN congratulated the proposers of this bill on the feeling that now prevailed with regard to it. He (Mr. G.) considered it, to be the very best bill that could have been introduced; and that it would give satisfaction to all classes of the community. The hon. member for the South Riding of York had complained that Merchants and Lawyers were not to be taxed. He (Mr. G.) believed that the hon. member was a lawyer, and he would ask him, if he would consent to have his brains taxed. Lawyers generally reside in the large corporate towns, where their property is amply taxed - they have to pay the county rates and a tax to the corporations besides. This bill places in the hands of the different Municipal Councils the appointment of the assessors, one of the most important officers in the country. He (Mr. G.) looked upon this as one of the most important improvements, because it imposes the responsibility upon a few persons, whose proceedings, are reported in the newspapers, and are vigilantly watched. The Assessors are appointed by the Councils in most Corporations, and if this is found necessary where the people are generally educated, how much more necessary is it in the several parts of the country, where they are more scattered and less educated. The system of assessment at present adopted, is to value all wild lands at four shillings an acre, and improved lands at £1 an acre - thus the rich man who had his lot near a town or village, worth perhaps £50 or £100 an acre, paid no more than the poor farmer living fifty or a hundred miles from market and whose farm was not worth more than £4 or £5 an acre. It has been said that this bill does not go far enough - he (Mr. G.) thought it better to try the people of Upper Canada with a partial measure, and then if they were in favour of it, a more full and complete system could be adopted.[37]

MR. WILLIAMS was in favour of this bill, because it will relieve the farmer. He (Mr. W.) could mention an instance of an individual who now pays only sixpence to the Council who will, under this bill, be obliged to pay £60, and thus the poor farmer at a distance from towns and villages will be exempt in a great degree from taxation.[38]

MR. CAMERON, before giving his support to the bill, wished to say a few words; he was astonished at the opposition made to the bill. The principle of the bill was merely with regard to the manner of raising the assessment; it does not impose any new tax. The bill, he thought, would relieve the poorer part of the people and divide the assessment among the rich; he did not see anything very objectionable in the bill, and he was bound to support it upon principle; he had

supported the same principle in 1843, and with the understanding that further amendments would be allowed when the House went into committee he would go heartily with the measure; he felt assured that if the bill was carried out, it would be acceptable to the country; he thought that the persons lending money on mortgages should be assessed for the amount of the mortgage, and that the bill should also extend to persons investing money on debentures; he was not opposed to taxation, for he thought it tended to bring out the energy of the people, and he did not think the country would be against the bill; but if persons who had large fortunes were taxed at equal rate with others, it would be sure to become disagreeable to the country. The appointment of the District Council to levy the assessment he thought to be the best way that could be devised. He gave the bill his highest support upon the supposition that amendments would be allowed when the House went into committee on the bill.[39]

The question being put whether the bill should be read a second time, it was declared to be carried[40].

MESSRS. JOHNSTON and G. MACDONELL (Dundas) insisted ... in calling for a division.[41]

(75)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Baldwin, Berthelot, Boulton, Boutillier, Cameron, [illegible], Chabot, Chalmers, Chauveau, Christie, Colville, Cummings, Daly, DeWitt, Attorney General Draper, Duggan, Foster, Gowan, Guillet, Hale, Hall, Jessup, Jobin, Lacoste, Laterrière, Laurin, [illegible], Leslie, Macdonald of CORNWALL, Merritt, Méthot, Meyers, [illegible], Morin, Parinem, Price, Prince, Robinson, Roblin, Rousseau, Scott, Seymour, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Solicitor General Taschereau, Thompson, Viger [illegible], Webster, Williams, and Woods.--(57.)

NAYS.

Johnston, Macdonell of DUNDAS, and Macdonell of STORMONT--(3.)

So it was carried in the affirmative.
And the said Bill was accordingly read,

MR. AT. GEN. DRAPER moved that the House do go into Committee of the whole to-morrow on this bill. He hoped that the members would prepare themselves to go into discussion of the bill, at least the members who intended to propose amendments, in order that he (Mr. D.)

might have time to see the precise effect these amendments would have on the bill. He believed the practice in England was to inscribe notice of any amendment intended to be proposed by any member in a book kept for that special purpose. He did not wish to insist upon their following this practice, but merely would request them to prepare themselves, for the reason he had just stated.[42]

MR. BALDWIN said, that this had been the practice to some extent in this country, but not to so great an extent as it should have been. There was a practice followed by the late Ministry which he thought was a more convenient one, and which he would recommend to their attention. The practice was to move that the Committee rise and report progress after the bill had been discussed, with the view that the person who had the charge of the measure might have an opportunity of seeing whether anything had been overlooked or not, in order that he might have an opportunity of having any defect amended when the Committee should sit again.[43]

(75)

and committed to a Committee of the whole House, on to-morrow.

Plurality of Offices Bill. — *The Order of the Day for the second reading of the Bill to prevent the undue accumulation and plurality of Offices, being read;*

Ordered, That the said Bill be read a second time on Wednesday next.

Common School Bill. (U. C.) — *The Order of the Day for the second reading of the Bill for the better establishment and maintenance of Common Schools in Upper Canada, being read;*[44]

MR. AT. GEN. DRAPER, in moving the second reading of this bill, stated that he had explained its principle features when he introduced it. He had thought it better to repeal the whole of the bill passed in 1843, embodying however in the present bill most of its clauses, as it was more convenient to have the whole school system governed by one law. The great objection to the late bill, and which he sought to remedy by the present one, was that the different parts of the system had been left too unconnected, that there was no proper system of controul from the lowest to the highest officers; in consequence of this many disputes had arisen. - He (Mr. D.) also provided for the establishment of Normal Scools (sic).[45]

(75)

The said Bill was accordingly read and committed to a Committee of the whole House on Tuesday next.

District Courts Bill (U. C.) — *The Order of the Day for the second reading of the Bill to amend an Act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce, into one Act, the several Laws now in*

force establishing or regulating the Practice of District Courts, in the several Districts of that part of this Province formerly Upper Canada," being read;

The said Bill was accordingly read, and committed to a Committee of the whole House, on to-morrow.

Militia Bill. *The Order of the Day for the second reading of the Bill for the better regulation of the Militia of this Province, being read;*

Ordered, That the said Bill be read a second time on to-morrow.[46]

Fines and Recoveries Bill. *The Order of the Day for the House in Committee on the Bill for the substitution of more simple modes of Assurance in lieu of Fines and Recoveries, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Cummings took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cummings reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to be the House.

Ordered, That the said Bill, as amended, be engrossed.

Lunatics and Idiots Relief Bill. *The Order of the Day for the second reading of the Bill, to remove certain doubts as to the Jurisdiction conferred upon the Court of Chancery in Upper Canada, in matters relating to Lunatics, Idiots, and Persons of unsound mind, and their Estates, and to amend and extend the Laws in force in Upper Canada, relating to Lunatics, Idiots, and persons of unsound mind, and their Estates, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Boulton took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boulton reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Orders postponed. *Ordered, That the remaining Orders of the Day be postponed until to-morrow, and that they be then the first Orders of the Day.*

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Attorney General Smith,

The House adjourned.

APPENDIX, 8 APRIL 1846.

((NOTICE OF MOTION RE: SALE OF CLERGY RESERVES.))[47]

MR. HALL - in giving notice that he would to-morrow enquire of the Administration, why the sales of the Clergy Reserves have been stopt (sic) said, that he hoped that full information would be given on the subject, as he would frankly tell the ministry, that they could do nothing to damage their influence so much as by interfering with the law as it now stood; the people of his section of the country felt very much interested in this subject.[48]

FOOTNOTES - 8 APRIL 1846.

1. According to MONTREAL GAZETTE, 10 April 1846: "In the House, on Wednesday night, no discussion of consequence took place."
2. The debate on this matter was reported by: MONTREAL GAZETTE, 10 April 1846; and MIRROR, 8 April 1846, and PILOT, 11 April 1846, in identical accounts.
3. MIRROR, 8 April 1846.
4. IBID.
5. IBID.
6. IBID.
7. MONTREAL GAZETTE, 10 April 1846.
8. IBID.
9. MIRROR, 8 April 1846.
10. IBID.
11. IBID.
12. The debate on this matter was reported by: MIRROR, 8 April 1846, and PILOT, 11 April 1846, in identical accounts.
13. MIRROR, 8 April 1846.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. The debate on this matter was reported by: MIRROR, 8 April 1846, PILOT, 11 April 1846, and BROCKVILLE RECORDER, 16 April 1846, in identical accounts. MONTREAL GAZETTE, 10 April 1846, noted it.
23. MIRROR, 8 April 1846.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.

42. IBID.
43. IBID.
44. The debate on this matter was reported by: MIRROR, 8 April 1846, misdated as 7 April 1846, and PILOT, 11 April 1846, in identical accounts. There is a commentary in EXAMINER, 22 April 1846.
45. MIRROR, 8 April 1846, misdated as 7 April 1846.
46. MIRROR, 8 April 1846, noted: "The second reading of the Militia Bill was only postponed till to-morrow, in consequence of it appearing that the French copies of the bill had just been distributed amongst the members."
47. The debate on this motion was reported by: MIRROR, 8 April 1846, and PILOT, 11 April 1846, in identical accounts.
48. MIRROR, 8 April 1846.

(75)

Petitions laid on the Table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Boutillier,--The Petition of the Municipal Council of St. Hyacinthe.

By Mr. DeWitt,--The Petition of John Hale and others, Leather Manufacturers and Dealers, of Montreal.

By Mr. Smith of Wentworth,--The Petition of Lodicarius Beisang and others, of Waterloo and other Townships.

By Mr. Williams,--The Petition of the Reverend Robert Harding and others, members of the United Church of England and Ireland, in the Township of Emily, in the Diocese of Toronto.

By Mr. Chalmers,--The Petition of James P. Gage, and others, of the Township of Nelson, in the District of Gore; the Petition of Alex- [illegible] and others, of the Township of Nassagaweya; the Petition of Henry F. Graham and others, inhabitants of Barton and other [illegible], in the District of Gore; and the Petition of Henry M'Cann and others, of Nassagaweya.

By Mr. Monro,--The Petition of the Reverend T. G. Elliot and others, members of the United Church of England and Ireland in the Township of Colchester, in the Western District.

By Mr. Lantier,--The Petition of the Reverend Messire Lamarre, of the Parish of Ste. Jeanne de L'Isle Perrot, in the District of Montreal.

By the Honourable Mr. Moffatt,--The Petition of Sister E. Forbes dite M'Mullen, Superior, and other Ladies, the Religious the Sisters of Charity of the General Hospital of Montreal (Soeurs Grises.)

By Mr. Scott,--The Petition of the Reverend Messire Ducharme and others, of Ste. Therese and other Parishes, in the County of Terrebonne; and the Petition of the Reverend Edward G. Sutton and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Roblin,--The Petition of Robert Riddell, Esquire, and others, of the District of Talbot.

By Mr. Ermatinger,--The Petition of W. F. Wallace, Esquire, Chairman of a Meeting of the inhabitants of Bayham and the adjoining Townships in the District of London.

(76)

By Mr. Dickson,--The Petition of John Claus and W. Claus, of Niagara; and the Petition of Edmund Riselay, Esquire, and others, of the District of Niagara.

By Mr. Hale,--The Petition of George W. Brooks, Esquire, and others, of the Town of Sherbrooke and its vicinity.

Winter Roads Bill.

An Engrossed Bill, to repeal two certain Ordinances therein mentioned, relating to Winter

Roads, in that part of the Province heretofore Lower Canada, in so far as regards the District of Quebec, the District of Gaspé, and that part of the District of Three Rivers which is or was in the Municipal District of Portneuf, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Laurin do carry the said Bill to the Legislative Council, and desire their concurrence.

Agricultural Societies Bill. (L. C.)

An Engrossed Bill, to amend the Act for the encouragement of Agriculture, by the establishment of Agricultural Societies in Lower Canada, was read for the third time.

Mr. Lantier moved, seconded by Mr. Méthot, that the following Engrossed Ryder be added to the said Bill, and do make part thereof:--

Ryder.

"And be it enacted, That after the passing of this Act, the place or places where the exhibitions are to be held, and the time for holding them, shall be determined by a majority of the Office Bearers and Committee, instead of by the President as heretofore."

The said Ryder being thrice read, and the question of Concurrence being put thereon, it was agreed to by the House.

Resolved, That the Bill do pass.

Ordered, That Mr. Watts do carry the said Bill to the Legislative Council, and desire their Concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of François X. Lambert and others, from near Lake Mandeville, in the District of Three Rivers; praying for an aid to enable them to make a Road.

Of Charles Emond, Esquire, President, and others, Administrators of the Academy of Berthier, in the District of Montreal; praying for a Grant of Money for the said institution.

Of the Reverend M. M'Donagh of Perth, in the District of Bathurst; praying that a certain part of a Street in the said Town, may be granted to the Catholic Congregation for the purpose of erecting a Chapel thereon.

Of John A. Gemmill and others, of the District of Bathurst; praying for aid to construct a Road from Brockville, to intersect a road from Bytown to Pembroke.

Of William Bowes, of the 5th Concession of the Township of Ramsay, in the District of Bathurst; praying to be indemnified for certain expenses incurred by him in the erection of a School House.

Of John Ritchie and others, Trustees of the Baptist Church of Perth, in the County of Lanark; praying that their titles to a certain piece of Land in the said Town, for the benefit of the said Church, may be legalized by an Act of the Legislature.

Of Caleb Hopkins, Esquire, and others, of Hamilton and of Trafalgar, and other Townships in the District of Gore; praying for aid to Plank the main road leading from Hamilton to the termination of the Macadamized road from the City of Toronto.

Of Joseph Ireland and others, of the Township of Nelson, in the District of Gore; praying for the improvement of the Dundas street, from the eastern boundary of the Gore District to the Town of Hamilton.

Of J. P. Gage and others, of the Townships of Nelson and Saltfleet, in the District of Gore; praying for the construction of a Swing Bridge or Ferry over the Burlington Bay Canal.

Of Abraham Schooley and others, of the Township of Humberstone, in the District of Niagara; and of John Graybill, Esquire, and others, of the Township of Wainfleet, in the District of Niagara; praying that the District Town may be removed to Port Robinson.

Of the Reverend Henry Wilkes, A.M., and other Ministers of the Gospel, constituting the Ministerial Association of the City of Montreal; praying that the Act 3 and 4 Vict. cap. 78, relating to Clergy Reserves, may be strictly adhered to.

Of S. Jones and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of the Reverend William Dawes and others, members of the United Church of England and Ireland in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the funds arising from the same.

Of Robert Fleming Gourlay; setting forth:--That, in the case of your Petitioner, a Report was submitted to your Honourable House, September 11, 1841, as follows:--

"Report of Select Committee, to whom was referred the Petition of Robert F. Gourlay, Esquire, have the honour to report:--

"Your Committee having investigated the Petition, and examined witnesses in relation to the same, and procured affidavits from persons cognizant of the matters and allegations contained therein, find the following facts fully proven.

"The Petitioner, Mr. Gourlay, first visited Canada in the year 1817, where he had acquired property by marriage, and also by purchase; and commenced statistical enquiries into the capabilities of the Province; in the course of which he became aware of the existence of various abuses. He then proposed that a Commission should be appointed to proceed to Great Britain, to have these abuses rectified; and held public meetings for that purpose, accounts of the proceedings of which were published in a pamphlet, which was generally approved of by the people of the Province, but, by those in power, was considered as having a seditious tendency; and he was, therefore, arrested, and put on his trial for sedition, at Kingston; but, being acquitted, he was again tried at Brockville, with, however, a similar result.

"He then had to proceed to New York, on business; and, on his return, was imprisoned in the Gaol at Niagara, where ill treatment, in being confined in a cell for five weeks, in the dog days, debarred from the sight of, or communication with his friends, his counsel, and the magistrates of the district, threw both his body and mind into such a state as to render him totally unfit to defend himself upon his trial, or even to comprehend his arraignment. The result of the trial was, that he was banished from the Province, under pain of death should he return; his alleged crime being, that he neglected to quit the country upon the order of a single magistrate, (two Legislative Councillors) acting under an unjust construction of an unconstitutional statute, most illegally exercised.

"Your Committee do not think it necessary to comment on such proceedings.

"From the evidence adduced, which will be found in the Appendix to this Report, your Committee are of opinion, that the arrest and imprisonment of the Petitioner, in Niagara, in 1819, was illegal, unconstitutional, and without the possibility of excuse or palliation: that, debarring him from an interview with his friends or his counsel, was

(77)

also illegal, unjust, and unconstitutional: that, preventing magistrates of a County or District from visiting the Gaol of that County or District, is a violation of all propriety: and, if persisted in, would lead to the most pernicious consequences.

"Your Committee are further of opinion, that his trial and sentence, when in a state of bodily and mental weakness, from sufferings which he had undergone, which prevented him from defending himself, was unjust, unconstitutional, and cruel.

"Your Committee cannot but express a hope, that your Honourable House will do the Petitioner that justice, which has been so long denied him, and pass an Address to His Excellency, the Governor General, declaratory of the above opinions, in order that the Crown may repudiate the transactions by which the Petitioner has been persecuted to his ruin; and, that the Legislature may declare his banishment null and void; and cause him to be compensated for the losses he has sustained by the unwarrantable exercise of authority. In the mean time, that some allowance be made to him to defray his personal expenses while in attendance before the Legislature, defending the rights of a British subject.

"Your Committee are in possession of proofs, that during the rebellion, when the Petitioner was resident in the United States, His Excellency Sir Francis Bond Head, then Lieutenant Governor of Upper Canada, derived from him the most important intelligence of the movements of the Brigands, then organizing for an attack on the Province. This, your Committee humbly suggest, should neither be overlooked nor forgotten.

"All which is respectfully submitted,

"WILLIAM DUNLOP, Chairman.

"Kingston, Septmeber 11, 1841."

That this Report was debated, sustained, and stood among Orders of the day, for further debate, till the 16th September, when it was unanimously resolved, that a copy should be communicated to the Governor General. That, three weeks afterwards, the Administrator of the Government caused to be paid to your Petitioner, the sum of Fifty Pounds, in part of expenses, in compliance with the recommendation of your Honourable House. That your Petitioner then resolved to proceed to England, there to lay the whole matter before the Imperial Parliament; and, with that intent, applied for Office Copies of necessary papers, which he procured, all but copies of two affidavits, then missing. That your Petitioner went to Quebec, for embarkation, hoping to see the Governor General, and be assured by him that copies of the said affidavits would be forthcoming when required, &c. But, finding that His Excellency would first arrive at Kingston, your Petitioner returned to that place, where, to his astonishment, he was served with a copy of a Report of a Committee of the Executive Council, withstanding the opinions of your Honourable House. And thus it became necessary that he should remain in America till the Provincial Parliament was again in Session.

In the month of September, 1842, your Petitioner had a Petition presented to your Honourable House, complaining of irregularity on the part of Crown Ministers, and praying for enquiry into the same. That Petition was referred to a Committee, which waived its only object, and recommended that a Pension should be granted to your Petitioner, "in consideration of his losses and sufferengs," which he could not accept, as that recommendation conflicted with the Report of 1841: in fact, it has subjected your Petitioner to unspeakable distress; certainly, not intentionally, for your Petitioner is assured that it proceeded from the greatest kindness. It put an end to all hope of appeal of the Imperial Parliament, and furnished excuse for denying your Petitioner any allowance recommended by your Honourable House to be made to him "while defending the rights of a British subject."

The Report of 1841 was well digested, and regularly debated. Never was there a question before your Honourable House, wherein the dignity of the Crown was so deeply involved. Never were responsible Ministers so pledged to watchfulness, as when this question was debated. If aught could be said in behalf of ill used power, then was the time to say it. But, in fact, no plea could be put in, which could not instantly be repelled. Not a word, in opposition, fell from Ministers of the Crown, on that occasion. On the contrary, all acquiesced, at every stage; and joined in the unanimous vote for addressing the Governor General.

After business was thus finished, what right had Ministers of the Crown to draw up a Report in contradiction of the opinions of your Honourable House? Sir Richard Jackson had previously declared to your Petitioner, that he would not enter on the consideration of the question, because "he was only in the temporary administration of the Government;" and your Petitioner had never expected that he would do

anything of the kind. To your Petitioner, first and last, it has appeared a result of treachery and clandestine interference: treachery on the part of Crown Minsters, and interference of some party interested in the issue. Nor can your Petitioner imagine any subject more imperatively demanding enquiry. To him, the Report of the Committee of the Executive Council seems a tissue of unwarrantable assertions and fallacious arguments; and he believes it was served upon him, in the hope, that he would succumb or perish in unequal combat.

Your Petitioner returned to Canada as a peacemaker, and for benevolent objects. He was encouraged to remain, and petition the Legislature, by the unbounded kindness of the inhabitants. Your Honourable House has ever manifested towards him the warmest sympathy; and, his saddest reflection is, that stern duty has held him up as regardless and ungrateful. Indeed, duty to the rights and respectability of your Honourable House has thrust him into this cruel dilemma.

Since 1841, your Petitioner, though labouring under every disadvantage, has never, for a moment, relaxed exertions in this great cause--the cause of truth and justice--which is equally yours and his; a cause which must now or never be determined, as he is fast sinking beneath age and infirmity.

In 1842 your Committee pleaded want of time for a full discussion of the subject. Now, there is need of no such plea: now, your Honourable House can investigate every circumstance: withstand every assault, and arrive at a satisfactory end.

Your Petitioner has no doubt whatever, that your Honourable House can sustain the Report of 1841, against that of the Executive Council; and, that opposing forces may be viewed at once, he will annex hereto a copy of that Report.

He now entreats, that the whole of these premises may be taken into the serious consideration of your Honourable House.

Copy of a Report of a Committee of the Executive Council, of the 10th December, 1841, and approved by His Excellency the Administrator of the Government, in Council, on 13th December, on the application of Mr. Robert F. Gourlay.

The Committee of Council, in obedience to your Excellency's commands, have considered the application of Mr. Robert F. Gourlay, praying to be informed, what he has to expect from the Executive Government, in consequence of an Address of the Honourable the Legislative

(78)

Assembly, founded upon a Report of a Select Committee of that Honourable House, of which the following is an extract:--"Your Committee cannot but express a hope, that your Honourable House will do the Petitioner that justice which has been so long denied him, and pass an Address to His Excellency the Governor General, declaratory of the above opinions, in order that the Crown may repudiate the transaction by which the Petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained by the

unwarrantable exercise of authority: and, in the mean time, that some allowance be made to him, to defray his personal expenses, while in attendance before the Legislature, defending the rights of a British subject."

The wrong complained of by Mr. Gourlay, appears to have originated in an Act of the Provincial Parliament, passed in the year 1804, entitled, "An Act for the better securing this Province against all seditious attempts, or designs, to disturb the tranquillity thereof."

This Act authorized the Governor, Lieutenant-Governor, or person administering the Government of the Province, the members of the Legislative and Executive Councils, the Judges of the Court of King's Bench, or other persons authorized in that behalf, by warrant, to arrest any person or persons, not having been an inhabitant or inhabitants of the Province, for the space of six months next preceding the date of such warrant, and not having taken the oath of allegiance, who, by words, actions, or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect, that he, she, or they, is, or are, about to endeavour, to alienate the minds of His Majesty's subjects of the said Province, from his person, or his Government, or, in any ways, with a seditious intent, to disturb the tranquillity thereof, and, upon such arrest, and upon examination, to order such person to leave the Province.

The same Act provides, "that, upon any such person being found at large within the Province, without licence to return, granted by the Government, he should be committed, without bail, until released by the Government, or be delivered by the Court of Oyer and Terminer, in due course of law. And, that he should be liable to imprisonment and banishment, from which banishment, if he should again return, without license, he should be liable to suffer death as a felon."

This Act has been long since repealed, in the opinion of the Committee most wisely and properly, by the Legislature; but, in the consideration of the present question, the Committee feel bound to look to the law as it stood at the time of the events complained of.

It appears, that Mr. Gourlay, upon information given upon oath, by a member of the House of Assembly, was arrested, and brought before two members of the Legislative Council, upon a charge of having endeavoured, by words, actions, and behaviour, to alienate the minds of His Majesty's subjects from the King's person and Government, and to raise a rebellion against the King's Government, in the Province; and, not being able to give full and complete satisfaction to the gentlemen who issued the warrant, on these points, he was ordered, by them, to quit the Province within a time limited.

Mr. Gourlay chose to disregard the order thus given, and, by his disobedience rendered himself liable to the penalties of the Act: and being found at large within the Province; contrary to its provisions, he was arrested, tried, and convicted, upon the statute; and sentenced to be imprisoned and banished. Mr. Gourlay now claims redress, and is desirous to know the intentions of the Executive Government respecting his case.

It appears, that, in accordance with one part of the Address, your Excellency has directed a payment to Mr. Gourlay of fifty pounds.

It is further required by the Address, that the Government should repudiate the transaction.

The proceeding against Mr. Gourlay does not appear to have been an act of the Executive Government, but of a tribunal exercising extraordinary and extensive power, and having the wildest discretion as to the mode in which it should be used. In assenting to the repeal of the Act itslef, the Government has already expressed its opinion, in the strongest manner, against the continuance of such arbitrary power in any person, or body of persons; but, the Committee do not see how the disavowal of the act of persons over which the present Government of the Province had no control, can, in any wise, help Mr. Gourlay's case.

If the legality of the proceeding be called in question, on the ground that the statute was not intended to apply to British subjects, a reference to the Act itself will shew that actual residence in the Province, and the taking the oath of allegiance, were the necessary qualifications which would exempt any person from the operation of the law. The being a natural born subject of the Crown does not enter into the question.

On looking to the history of the time when the Act was passed, only a few years after the suppression of a formidable rebellion in Ireland, and almost immediately after an attempt of the same nature in the same country, and at a period when the war of the French revolution was raging, a contest of principle by which all men's minds were more or less agitated, it is not extraordinary that such a measure should have been entertained in a distant, and then weak portion of the empire. There is no good reason to suppose that it was not intended to operate against British subjects, quite as stringently as against Foreigners; and the power summarily to prevent even British subjects from settling in British Colonies, and ordering them to depart therefrom, was not so unprecedented as to found an argument on the impossibility of the Upper Canadian Legislature meaning to extend the provisions of the law to all persons, whose presence in the Province appeared to be dangerous to its peace, and who came within the strict letter of the Act. There is no ground to question the power of the Legislature to pass such an Act; and the repudiation of the proceedings under it, as illegal, would, without benefitting Mr. Gourlay, have the effect of a declaration purporting to make invalid what was, nevertheless, manifestly legal, however harshly the law may have operated against the applicant for redress.

If the statute of the Provincial Parliament be admitted to be valid, it will be seen that the wildest power and discretion were given to those who were to act under it.

It appears not to have been necessary for the procurement of an order to leave the Province, to state or prove any positive overt acts of sedition or treason, to produce a general impression from a person's act or general deportment. Even "amounting to suspicion," was all that was necessary, and the law appears to have been so far

complied with. A satisfactory enquiry into the grounds for the proceeding, would, at this day, if practicable, tend to no good purpose. Mr. Gourlay suffered for direct disobedience to the law, as it stood. He could not legally have been acquitted by any jury, for such disobedience; and no regret that such a law should have existed, or, that it should have been used with severity against him, and no commisera-

(79)

tion for his sufferings, will authorize the admission of the dangerous and destructive principle, that individuals are to judge for themselves, and, with impunity, act in defiance of the positive law of the land.

Mr. Gourlay appears, legally, to be in a position requiring protection from the sentence passed upon him, as to its future operation. The Committee believe that he might, at any time, since the repeal of the Act in question, have procured this protection by means of a pardon, under the great seal, and there is no good reason why, if he wishes it, he should not be granted a pardon now. But, he further seeks pecuniary indemnity, for what he considers an illegal prosecution and conviction, which cannot be granted in the shape he requires it, unless it can be shewn that the prosecution and conviction were really illegal.

Before any grant of indemnity can be made to Mr. Gourlay, it is necessary that the matter should be brought under the consideration of the Legislative Assembly by the Government. It is not the intention of the Committee of Council to advise a limitation of the liability of the Legislative Assembly, by withholding from it an opportunity of granting a sum of money, which would relieve Mr. Gourlay, to any moderate extent; but it would be unjust to him, were he to be permitted to remain under the impression that the Government recognized the illegality of the sentence pronounced against him, or liability of the public funds to indemnify him, as a matter of right, against the consequences of his own deliberate infringement of the law of the Province.

Certified,
(Signed,) Wm. H. LEE, S. E. C.

Of James W. Sharrard and others, of Pickering and other Townships, in the Home District; praying that the ministers of the denomination called "Christians," may be allowed to celebrate marriage on the same conditions as the ministers of other Religious denominations.

Of the Reverend John A. Murlock and others, members of the United Church of England and Ireland, in the Townships of Tiny and Tay, in the District of Simcoe, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Mrs. Catherine M'Lennan, widow of Hugh M'Lennan, late Door-

keeper to the Legislative Assembly; praying for a Pension, in consideration of the services of her late husband.

Of Mrs. Julia Bell, of the City of Toronto, widow of the late AEneas Bell; praying remuneration for certain services performed by her said late husband.

Petitions referred:

Of Caleb Hopkins, Esquire, et al.

Resolved, That the Petition of Caleb Hopkins, Esquire, and others, of Hamilton and of Trafalgar and other Townships, in the District of Gore, be referred to a Select Committee, composed of Mr. Chalmers, Mr. Webster, and Mr. Duggan, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. Ireland, et al.

Ordered, That the Petition of Joseph Ireland and others, of the Township of Nelson, in the District of Gore, be referred to the said Committee.

Rev. H. Wilkes et al.

J. Marshall, Senior, et al.

Ordered, That the Petition of the Reverend Henry Wilkes and other ministers of the Gospel, constituting the Ministerial Association of the City of Montreal; the Petition of John Marshall, Senior, and others, of the County of Halton; and the Petition of Francis Small and others, of the County of Halton, be referred to the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell.

Bronté Harbour Company.

J. Burwell, Esquire.

Ordered, That the Petition of the President, Directors, and Company of the Bronté Harbour; and the Petition of John Burwell, Esquire, of Port Burwell, (relating to a contemplated Railroad,) be referred to the Standing Committee on Private Bills.

J. Dickson, et al.

Ordered, That the Petition of James Dickson and others, of the Banlieue of the Town of Three Rivers, be referred to the Select Committee to which was referred the Petition of the Municipal Council of Hochelaga.

Member added.

Ordered, That Mr. Desaunier be added to the said Committee.

John Lamb, et al.

W. Dixon, et al.

Ordered, That the Petition of John Lamb and others, inhabitants of the Township of Warwick; and the Petition of William Dixon and others, inhabitants of the Township of Warwick, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Municipal Council, (Niagara.)

Ordered, That the Petition of the Municipal Council of the District of *Niagara* (relating to the mode of Assessment,) be referred to the Committee of the whole House, on the Bill to regulate Assessments, and the appointment of Collectors and Assessors in *Upper Canada*.

J. W. Sharrard, et al.

Resolved, That the Petition of *James W. Sharrard* and others, of *Pickering* and other Townships in the *Home* District, be referred to a Select Committee, composed of Mr. *Williams*, Mr. *Petrie*, Mr. *Chalmers*, Mr. *Thompson*, and Mr. *Meyers*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

G. S. Alton, et al.

Resolved, That the Petition of *George S. Alton* and others, of the Township of *Nelson*, in the District of *Gore*, be referred to a Select Committee, composed of Mr. *Chalmers*, Mr. *Williams*, Mr. *Meyers*, Mr. *Seymour*, and Mr. *Cummings*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Report on Petition of R. J. Hamilton, et al.

Mr. *Smith of Wentworth*, from the Select Committee, to which was referred the Petition of *Robert Jarvis Hamilton*, Esquire, and others, inhabitants of the Town of *Hamilton*, and of the Township of *Barton*, in the District of *Gore*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the Petition, which prays that the the Concession Line between Lots numbers 14 in the Third, and 14 in the Fourth Concessions of *Barton*, may be conveyed to *Robert Jarvis Hamilton*, Esquire, in lieu of a portion of land granted by him, for the construction of a road across Lots 13 and 14 in the Third Concession. Your Committee have ascertained that the Municipal Council of the *Gore* District passed a By-law, authorizing the conveyance of the portion of the Concession Line in question to Mr. *Hamilton*; and also, that the Petitioner has complied with the Rules of Your Honourable House in regard to the publication of notice of the present application; they therefore beg leave to recommend that the prayer of the Petition be granted.

Barton Concession Conveyance Bill.

Ordered, That Mr. *Smith of Wentworth*, have leave to bring in a Bill to convey a part of the Con-

(80)

cession Line between the Third and Fourth Concessions of the Township of *Barton*, in the *Gore* District, to *Robert Jarvis Hamilton*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Report on Contingencies. *Mr. Roblin, from the Standing Committee on Contingencies, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Your Committee have in part proceeded with the examination of the account current, for disbursements of Contingencies, since the 16th December 1844, up to the 2d April, 1846, as laid before them by the Clerk;--the balance in favour of the House at the last date, as appears by the account current, having been expended, the Committee recommend that the sum of Five Thousand Pounds, for payment in part of Contingencies during the present Session be advanced to the Clerk for that purpose.

Ordered, That the said Report be committed to a Committee of the whole House on Monday next.

Private Bills. *The Honourable Mr. Morin from the Standing Committee on Private Bills, presented to the House the Fourth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:*

Dempsey's Relief Bill. *Your Committee have gone through the Bill to authorize the Courts of Queen's Bench, and of Chancery, in Upper Canada, in their discretion, to admit John W. Dempsey to practise as an Attorney and Solicitor therein, and have made several amendments thereto, which they submit to your Honourable House.*

Time for receiving Reports, &c., on Private Bills Extended. *On motion of the Honourable Mr. Morin, seconded by Mr. Méthot,*

Ordered, That the time for receiving Private Bills be extended to Saturday, the eighteenth day of April instant, inclusively.

Ordered, That the time for receiving the Reports of Committees on Private Bills, be extended until Tuesday, the fifth day of May next, inclusively.

Medicine and Surgery Bill. *Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill to regulate the Study and Practice of Medicine, Surgery, and Midwifery in this Province.*

He accordingly presented the said Bill to the House,[1]

MR. AT. GEN. SMITH introduced a bill to regulate the study of Medicine; he said it was a very important measure and trusted that as he had obtained the valuable assistance of hon. members of the Medical Profession and others in support of a similar bill last year the same consideration would be extended to him in the present instance; he was prevented by circumstances from carrying through the measure of last session but hoped that the bill now submitted would become law.[2]

MR. BALDWIN should like to have time to communicate with some of

the faculty in Toronto.[3]

MR. AT. GEN. SMITH was willing to allow any time that the learned member might require; he (the Attorney General) would fix Friday next for the second reading and if further delay was necessary he would of course assent to it.[4]

(80)

and the same was received and read for the first time, and ordered to be read a second time on Friday the seventeenth instant.

Message from Legislative Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

Sites of Schools Bill.

The Legislative Council have passed a Bill, intituled, "An Act to provide for vesting in Trustees the Sites of Schools in that part of this Province called Upper Canada," to which they desire the concurrence of the Assembly.

Also,

Niagara Debt Bill.

The Legislative Council have passed the Bill, intituled, "An Act to repeal the Act therein mentioned, authorizing the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from Debt," without any amendment.

And also,

LEGISLATIVE COUNCIL,
Thursday, 9th April, 1846.

Leave granted to Assistant Clerk to attend Select Committee.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council do give leave to Charles DeLéry, Esquire, one of their Clerks' assistant, to attend the Select Committee appointed to enquire into and report upon the state and condition of the Rolls, Records, Journals, and other papers appertaining to the late Parliaments of Upper and Lower Canada, and of the Judicial Registers, Records, Archives, and Papers appertaining to the several Courts of Justice in Lower Canada; and whether the same are kept and classed in an orderly and systematic manner, and due precautions taken for their safe keeping and preservation; on Saturday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

And then he withdrew.

Sites of Schools Bill.

An Engrossed Bill from the Legislative Council, intituled, "An Act to provide for vesting in Trustees the Sites of Schools in that part of this Province called Upper Canada," was read for the first time.

Mercantile Transactions Bill.

Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to exempt certain Mercantile transactions from the operation of the Law for the prevention of Usury.

He accordingly presented the said Bill to the House,[5]

MR. BALDWIN was somewhat surprized (sic) to find such a measure coming from the Ministerial side because he well remembered that the President of the Council gave him (Mr. B.) his powerful aid in resisting a similar measure on a former occasion.[6]

MR. SOL. GEN. SHERWOOD. - The bill was brought in entirely on his own responsibility.[7]

MR. BALDWIN. - It being a Government day and the bill coming forward with Ministerial prestige he was led to suppose that it had emanated from the Ministry at large; he, however, did not regret that he was mistaken; it gave him hope that the venerable President of the Council would again assist him in his efforts to resist the measure or, should the learned member prefer to take the lead, he (Mr. B.) would become his humble follower.[8]

MR. PRES. EX. COUN. VIGER had not yet read the bill, but it was quite possible that the hon. and learned member and himself might act together on the present as they did on a former occasion.[9]

(80)

and the same was received and read for the first time, and ordered to be read a second time on Friday the seventeenth instant.

Toronto and Lake Huron Railroad Bill.

Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to amend an Act passed in the 8th year of Her Majesty's Reign, intituled, "An Act to amend an Act passed in the sixth year of the Reign of His late Majesty, King William the Fourth, entitled, "An Act to incorporate the City of Toronto and Lake Huron Railroad Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday the sixteenth instant.

Petition of Church Society.

The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Boulton, that the Select Committee, to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references; and the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell, and other references; be severally dissolved, and that this House do now proceed to name a Committee, consisting of five Members, to which the subject matter of the said Petitions shall be referred.[10]

The hon. member, MR. SOL. GEN. SHERWOOD, observed there were then two committees appointed by the House to examine and report on that subject. He (Mr. S.) considered this was contrary to English precedent. His object was to have one committee appointed by all parties, who would thoroughly examine the whole matter and make such a report as would guide the House in their decision on that important question.[11]

MR. BALDWIN would resist the motion. He (Mr. B.) would not say that there was precedent for the appointment of two committees on the same subject, but he considered that it was quite proper that there should be, when petitions were presented praying for exactly opposite measures. The rule was that no person who had expressed himself against a measure should be appointed on the Committee to examine that measure, - on the same principle as it was said that a child should not be placed in the hands of a nurse that cared not for it. A large proportion of that House, even on the Government side, were opposed to the measure prayed for by the Church Society, and he (Mr. B.) would not be a good nurse to it, as he desired to strangle it, and dash out its brains. If, therefore, petitions ask for diametrically opposite things there must be different committees, to whom they should be referred; but he (Mr. B.) did not see that any good object would be gained by referring these petitions to a committee. ... If the object was to investigate facts, then undoubtedly it was expedient to do so, but not in such cases as the one before them.[12] Investigation in this matter could do no good, because if any action was taken thereon it must spring from the Legislature, though these petitions were useful in a statistical point of view as shewing upon what point public opinion was concentrated[13], and as such similar petitions were regarded in England. In that country they never thought it necessary to refer petitions on the great questions of the day to any cemmittee (sic). It was an exceedingly inconvenint (sic) practice of referring almost every petition to a committee.[14] He objected to ((a)) joint Committee because Members must be introduced into it inimical to one or other of the petitions. And it was of no use to appoint two Committees one to report against the other.[15]

MR. CHALMERS was very much pleased with the observations from the talented and consistent member for the North Riding of York - (Mr. Baldwin); and he (Mr. C.) perfectly concurred in them all. He (Mr. C.) would tell the Sol. Gen. that if he was aware of the public feeling in the country he woudl never dare to attempt to interfere with the present arrangement. If they should consent to vest these lands in the various ecclesiastical bodies, they would be branded with eternal infamy.[16]

MR. AYLWIN differed with the hon. member for the North Riding of York. He (Mr. A.) considered that the answer given that day by the Atty. Gen. on that subject showed the necessity of investigation. It appeared to him extraordinary that hon. members could not approach

that subject calmly and dispassionately, discarding the popular clamour that had been raised respecting it. He (Mr. A.) did not think it ought to be a Government measure for it was a matter the Provincial Legislature, could not touch, relating, as it did, to an Imperial Act.[17] The Imperial Parliament was alone competent to alter the disposition of those lands.[18] He (Mr A.) knew very little about Upper Canada. His official duties obliged him very unwillingly, for a short time to reside in Kingston, and he was never higher up the country than Belleville; he was not, therefore, acquainted with the feelings of that part of the Province on that subject. Disputes in L. C. have been hitherto entirely of a political nature - one race had been set in opposition to another; but they had never been cursed with religious disputes, and he hoped that they were not now to be introduced among them. Why could they not all give and take? He (Mr. A.) wished to give all denominations their just rights - to place them upon a perfect equality - and to make a fair division of the Clergy lands.[19] In the course of his remarks the hon. gentleman read an extract from the Montreal Register, bearing the names of respectable clergymen[20]. He (Mr. A.) was sorry to see ... ((this)) statement ... signed by certain reverend gentlemen with whom he was unacquainted, and whose labours on behalf of education were evinced in the splendid college in St. Antoine Suburbs, in this city, to which he would be very happy to lend his aid to obtain Parliamentary assistance, as he had done to Victoria College. It was said[21] that this division was intended for the aggrandizement of one sect[22], ((for whom)) the possession of these lands would form a splendid endowment ... at the public expense, and ((that)) there is great reason to fear that the endowed Church would soon seek to be established. He (Mr. A.) thought that these assertions were perfectly unfounded[23], and it really was painful to see such false reports promulgated with the sanction of such names. The Imperial Act had settled that the revenue of these lands should be divided in certain proportions among all denomination (sic) of Christians, inclusive of Roman Catholics.[24] Could any one fear an established Church, or that priestcraft would ever prevail in that Province?[25]

No - yes.[26]

MR. AYLWIN ((continued:)) This was not the day to be afraid of it, nor did he believe that it was to be feared in North America.[27]

MR. SOL. GEN. SHERWOOD said, it had been imputed to him by the hon. member opposite, (Mr. Baldwin) that his object was to obtain a report favourable to his view of the subject upon which the House had been petitioned. It was neither correct nor Parliamentary to attribute such a motive to him. He certainly would be pleased at a report favourable to the clergy, being made; but it was wrong to say of him, that that was his only reason for pressing the motion. What he desired was that a Committee should be selected from the whole House, by which a careful enquiry would be made, and some one report furnished, and not that they should imitate the abominable practice

in the neighbouring States, of having a majority and a minority report. It was known to that House that the Clergy Reserves was a question of long standing, and one out of which had arisen a great deal of difficulty and contention. When the union of the provinces first took place it was enacted by the Constitutional Act, that a certain portion of the land in Upper Canada was set ... apart for the Protestant clergy. The clergy of the Church of England contended that this provision was meant alone for them. He (the Sol. General) never joined in that demand, but was always of opinion that the law referred to the Protestant clergy generally. The dispute, however, went on from year to year, until at length, in the first Session of Lord Sydenham's Parliament in Upper Canada, a bill was introduced by his learned friend the present Atty. Gen. West, for the settlement of the question. The bill did not become law, but it was soon afterwards made the basis of an Imperial Act, by which the Reserves were divided amongs (sic) all the religious denominations, not even excepting the Catholics. According to this law, then, the clergy of the Church of England find that they have an acknowledged right to a certain portion of these lands; but it also happens that under an arrangement, by which the government is bound to sell the lands, the proceeds are being greatly reduced. The government sent persons about to value the different lots, and the expense attending this and the other proceedings necessary, amounts to not less than 40 per cent. They (the clergy) finding then that the munificent endowment of England is being frittered away, came to that House to ask that they themselves might obtain the charge of it, in order that by economical management it may be rendered a real, and not a nominal, benefit. And in asking this, they also express their willingness to bind themselves, if it were thought necessary, to dispose of all the lands in a given time, say four or five years; and they are further willing that present occupants should have the right of pre-emption. This is the reasonable request of the Church of England, not alone for herself, but for Catholics, Methodists, Presbyterians, &c. She is desirous that all should have the full benefit of what the Act entitles them to. The hon. member again deprecated as anomalous the plan of two committees, and urged, as before, that they should be broken up, and one general committee appointed. But should the House not agree with him, he was willing to go on. His great object was to preserve order, and, therefore, was he anxious to avoid the confusion of two committees.[28]

MR. BALDWIN. - The question should, properly, not go to a committee at all.[29]

MR. SOL. GEN. SHERWOOD would beg the hon. gentleman's pardon. The appointment of a committee was the right course. It had been said that it ought to have been a Government measure; the Government had nothing to do with it; they found a statute settling the matter and were willing to leave it to those interested to seek a change or not. Some of the parties so concerned have, then, applied to have their

share placed under their own controul in order to prevent its being eaten up under the present arrangement; it was to apply to the Imperial Government to set that arrangement aside that he (the Sol. Gen.) was desirous, and he saw no reason against such a course, except perhaps a mere frivolous jealousy of the Church of England. He (the Sol. Gen.) was delighted with the liberal sentiments expressed by the hon. and learned member for Quebec, and he trusted that other hon. members who usually acted with that gentleman participated in his views of the present question; he trusted that the Roman Catholic members of the House would sustain him in undertaking to obtain a right that was felt to be so beneficial in their own Church, and which merely went to secure to the clergy of the Church of England an advantage that was given on the face of the statute.[30]

MR. CAMERON - The subject of the Clergy Reserves had for years agitated the Province, and it was an outcry against liberal men, that they made it a political hobby, and that they never desired a settlement of it, and altho, the House of Assembly year after year expressed unanimous opinions against appropriating one-seventh of the Province to the support of one or more churches, yet, during the administration of Sir George Arthur, by means, influence and representations, he would not now allude to, the question was referred to the imperial authorities, and although on a census obtained by fraud and deception, and utterly false as to several bodies in this province, an appropriation even then inconsistent with their own decision given by the judges, was made, yet he (Mr. C.) was one of those who desired to acquiesce in it and for the sake of peace, wished never to hear of it again. But who are the agitators now? Who got up petitions at Toronto, and sent them to every rectory and congregation in the Province? Who, he said, would subvert the Imperial statute, impeach even a tory Commissioner of Crown Lands, and heap charges against Government. And he (Mr. C.) must add that the statements out of doors, and the arguments used here are altogether apart from the fact, and evidently have some other object in view than that which is pretended to actuate the movers. It is pretended that the expenses of the Crown Land office for the sale of these lands amount to 40 percent, and that great abuses exist, and under valuations by the Agents. Now had any hungry radical made this direct and serious attack on the Government, he (Mr. C.) should not have wondered, and he would have been attacked on all hands as a factious and troublesome man. But for the Sol. Gen. (West) to make such an attack, was quite unparalleled. He (Mr. C.) would like to know from the Commissioner of Crown Lands if his department charges the Clergy Reserve funds 40 per cent for sales.[31]

MR. COM. CR. LANDS PAPINEAU - Explained that 40 per cent of the expenses of the office was charged to the fund, and that was relieved by an amount varying from 25 to 40 on the purchaser.[32]

MR. CAMERON - He should like to be informed what per centage that is on sales.[33]

MR. COM. CR. LANDS PAPINEAU - Was not prepared to explain.[34]

MR. CAMERON - then said he did not suppose it was 7 per cent in all cases. The appointment of independent men, one of whom was an episcopalian, to value the reserves, he had always looked upon as one of the best acts of the late Administration, and those who know the difficulties that existed in determining the rights of squatters, the conflicting claims of four or five parties to the same land and the falsehoods, yes, even perjuries that were committed to secure titles would at once admit that there was no other way of getting at the truth but by personal visitation, and his opinion was the lands were valued high enough - he was perfectly willing to make any alterations or amendments in the management that might secure to the Church all they were entitled to, but he would never consent to give these lands over to the management of different religious bodies; there was trouble enough now, and the sales were interrupted, but if the gentlemen on the Treasury benches knew the feelings of the inhabitants of Canada West on this subject, they would hardly propose in addition to hand over the settlers to different Soulless Corporations, which would have one office at Quebec, one at Three Rivers, another at Sandwich, and one at Gaspé as well as every intermediate place where a sect had a footing. He (Mr. C.) warned them to let the act of the Imperial Government take its course, let the land be sold and the different churches get the proceeds in strict accordance thereto; he was of opinion that the present motion would only result in a party report that would involve further difficulties.[35]

MR. ROBINSON was in favour of the appointment of a new Committee.[36]

MR. WILLIAMS - He thought it desirable that the Committee should be appointed by the House, if it was in accordance with parliamentary practice. He had no objection to give the lands over to the Ecclesiastical Corporations, provided the objections from the other side were fairly met, and these objections must be entertained, for many of them were valid. He (Mr. W.) wished that the lands should be given over to the Ecclesiatical (sic) Corporations, and that a provision be made in the law that they should be bound to sell them by a certain time, in order that no vast accumulation shall remain in their hands, but they shall be sold in order that they may be cultivated and settled. Much had been said about these lands being too highly valued. No doubt much depended on the valuators. Those who disliked the Church, and were opposed to endowments, would value them low, whereas those in favor of the Church would value them too high. He (Mr. W.) must say that in the county which he represented, he thought the valuation had been fair - indeed there were many complaints that it was too high.[37]

MR. MURNEY - Said that the Government had received reports of the persons appointed to value the lands; and after twelve months had been allowed to them, to see if the lands had been truly valued, a Proclamation had been issued from Government, predicated upon this report, allowing the land to be sold at the valuation of the Commissioners, with ten years' credit. And that Proclamation as the Govern-

ment well knew had been received with great satisfaction by the people; and in face of this, out comes an order stopping the sale of the lands, on the ground that they had been valued too low. He (Mr. M.) had heard many persons express their opinions about the valuation. Some had said that they were valued too high, and some that the valuation was too low; but in his county he thought they were valued about what they were really worth. He thought the Government bound to take that valuation; if they now ordered a new valuation to be made before it was finished, a new Administration might be in power, and it might order another valuation, and in this way delay the sale of the lands for a very long period.[38]

MR. HALL - Was opposed to the motion, because he considered it to be the object of the hon. and learned mover to procure a report favorable to his view of the question involved. He (Mr. H.) would vote against such a Report were it presented; he was opposed to any portion of the Clergy Reserves being re-invested in the hands of the Clergy, because it would then be impossible to divide the lands at all satisfactorily. There would be constant complaining of favoritism. Much had been said about the expense of the present mode of disposing of the reserves. He (Mr. H.) would ask why not reform that mode? Whose fault was it that 40 per cent was exacted? And who suffered this loss? He had paid six dollars for the inspection of some Clergy land, and he apprehended that these six dollars formed part of the 40 per cent; and thus it would appear that it was upon the poor men who occupied the land, and not upon the Clergy, that this tax of 40 per cent fell. He (Mr. H) would repeat that he was opposed to such a report being obtained as that sought for by the Sol. General. He was opposed to the Clergy getting into their hands the management of the lands; and he would say that the sooner the question was properly settled the better. The Crown Lands Department with all its Clerks was still unable to do the business of the country, - it appeared that the more clerks they had, the worse they got on. He (Mr. Hall) would undertake to get three persons in Upper Canada who would do the business, and give more satisfaction.[39]

COL. PRINCE - If the result of this motion was to have the effect of investing the lands in the Clergy, he might oppose it, but the object was merely to refer certain petitions from a large and respectable body of men, to a Committee selected by the House. He, as a Protestant, felt grieved at the divisions that existed among them, for the unanimity of the Catholics was their strong hold. He (Mr. P.) desired very much a settlement of this question, and he admired the spirit that the hon. member for Quebec (Mr. Aylwin) had evinced on this occasion. The moment a person mentions the name of Clergy Reserves, it excites angry feeling; it appeared to be a sort of Pandora's box from which sprung all sorts of disease and pestilence.[40]

MR. GOWAN intended to support the motion of the Solicitor General, but not because he was in favour of the prayer of the Church Society. He (Mr. G.) wished such a committee to be named as would report ad-

verse to this prayer. He (Mr. G.) considered that the country was opposed to placing these lands in the possession of the clergy. The members of this House ought to remember the agitation, turmoil and contention that existed in Upper Canada for so many years on this subject, and therefore he hoped that it was not again to become the source of trouble - that the impression would not go abroad that the country was to continue blocked up by these reserves. He (Mr. G.)[41] was of opinion that it was injudicous (sic) to allow any Ecclesiastical body to become holders of real estate; and he did not wish to see any lands left to obstruct the settlement of the country, as would be the case from the wish of the Clergy to enhance that value.[42] It was in opposition to our interests as the inhabitants of a new country to build up the clergy of any denomination. If these lands were given to the Church Society, they would not sell them but lease them out to different individuals, and thus a numerous body would become dependent upon this corporation. He (Mr. G.) was not desirous of building up in this country the landlord and tenant system; he wished to see every occupant of a farm the proprietor of that farm[43]. He desired to behold "a bold peasantry, its country's pride," occupying their own freehold, and bequeathing their improvements to their children.[44] Thus an honest and independent yeomanry would be raised up in the country, and the country itself enriched, as it is well known that the tenant for the time being took the life blood from the land and made the most of it during the time he had it in his possession.[45]

Laughter from MR. RIDDELL.[46]

MR. GOWAN hoped the hon. member for Oxford would tell the House what he (Mr. R.) objected to in his (Mr. Gowan's) statements, and not interrupt him thus.[47]

MR. RIDDELL must beg to call the attention of the hon. member for Leeds to the fact that when persons let farms, it was generally convenanted that a rotation of crops should take place, and that the fences should be kept up.[48]

MR. GOWAN hoped the hon. member would not think them such idiots at (sic) not to know that. He (Mr. G.) did not think this the most proper time to debate this question, but he wished to give his opinions before voting on the motion, for he was afraid that they would be misrepresented.[49]

MR. MOFFATT. - When he rose before to address the House, he intended to have called its attention to the real question before it: it was whether it were more expedient to appoint one committee chosen indiscriminately from the members of the House, or two committees, to one of which we would refer the petitions in favor of the division of the Clergy Reserves, and to the other petitions against the division. Both the committees would, he was sure, bring in different reports. The present discussion was anticipating that which would properly come before the House when the committee had reported; indeed, the present discussion was anticipating the report of the committee.[50]

MR. ROBLIN - The hon. member for Leeds had made some remarks, which ought to be taken into the serious consideration of all members of this House. He recollected the time when the Clergy Reserves was made a test question; he had the honor of having a seat in the Upper Canada Parliament, when this question was agitated both in the country and in Parliament, and at the Hustings it was particularly the test question. Episcopalians were elected, and the people had then found out their mistake. The people of Upper Canada would be very wrong in electing persons who would vote for the conveyance of the Clergy Reserves to a corporate Church Society, which was irresponsible. It was said that the Radical party could not live without having the Clergy Reserve question or the University Bill to agitate; well, the question had been settled, and who now are the agitators but the High-Church party, altho' in the division ((they)) got the lion's share.[51]

No, no.[52]

MR. ROBLIN ((continued:)) Hon. gentlemen cry no, no, but he would say, yes, yes; let the petitions daily laid on the table answer who are the agitators. Who are now agitating the country from one end to the other? The Clergy Reserves had been for some time back called for to be placed in the market, at last on the 10th March, they were put up for sale; the farmers were anxious to purchase, and sold their wheat and other grain to effect their purchases, but now when they are ready to buy, the sale is stopped. In reference to the prices, he considered that they were fair on the whole; it was true that a petition from 3 individuals was intrusted to him, complaining that their lots were valued too high. He considered that it was a very unjust course of procedure to stop the sales now; the expense has been incurred in valuing them, &c., and is that to be gone over again? He fully agreed with the remarks made by the member for Leeds, that every farmer ought to have his property in fee simple, by that means we will be able to raise up a bold and sturdy yeomanry. The Clergy Reserves must be sold, and let the Church of England have every farthing she is entitled to, but do not give her the lands. Mr. R. concluded by saying, that there had not yet been one petition praying for the division of the Clergy Reserves, except from the Church of Eng'd.[53]

MR. MORIN spoke in French at some length. He could not believe it was the intention of the Episcopalian clergy to place those lands fairly in the market after having had them in their controul. In fact, all their proceedings - this year and before, and with the Legislature or otherwise - plainly indicated a contrary course. Dependent lessees, and not freehold owners, were to be the occupants intended. - He suspected much that the recent stoppage of the sales of those reserves had something to do with the pressure exercised in that sense. But there was one part of the subject which appeared entirely overlooked in the discussion. It was the miseries to which were subjected the actual settlers on all adjoining lands, and who were obliged to make roads across those reserves, drain them, make all ditches and fences without having any one to apply to for those obligations. This

had been severely felt in Lower Canada, independent of the value which those lots acquired by the labour and sweat of industrious men who had bought their lands, - that one-seventh had been purposely intermixed in small lots with all disposable lands. He then commented further on the manner in which those reserves and those formerly called the crown reserves had been appropriated and set apart.[54]

MR. PRICE. - The hon. member for Essex had gravely asked "what have we to do with this question;" he (Mr. P.) was surprised to hear such an opinion from the Mentor of the House (laughter) he thought the question one of vital importance to that House for although the motion only referred to the formation of a Committee still was it pregnant with the most serious consequences. The Solicitor General West had asked why he (Mr. Price) had cheered when he (the Solicitor General) was speaking, - it was because he thought that while the learned gentleman was describing the extravagant manner in which the Clergy Reserves are now managed he was casting a serious reflection upon the Government, they being alone answerable for that management. (Hear, hear.) He (Mr. P.) thought the motion before the House should be calmly considered; it was all important to know what kind of a Committee is to be struck, as from it is to emanate the decision wether (sic) the Reserves are to be kept in the charge of the Government without reference to demands to the contrary from any denomination of the Clergy, and whether the latter are to keep their hands clear from wordly (sic) traffic and devote themselves "without distraction" to the service of their master. He (Mr. P.) thought that the only way to dispose of the present question would be for a strong Government to come down to the House with a bill to settle it decidedly and for ever, and say, as had been said in the last session by the Attorney General West in reference to another memorable question "by this bill I stand or fall." (Hear, hear and laughter.) It had been said that the Clergy Reserves were originally held to belong and did belong exclusively to the Church of England. He (Mr. P.) should like to inform some of the members of the Lower Province of the real history of the question and particularly did he desire to enlighten the hon. member for Quebec whose knowledge of the matter was, as dark as according to his own admission, was his geographical acquaintance with U. Canada. (Laughter.) He (Mr. P.) would challenge his opponents to say whether the Legislature of Upper Canada until the last session ever passed a law endowing the Clergy with these lands. No! The same conclusion was always come to whether by Tory or Liberal Parliaments viz that they would not corrupt the Clergy, that they would allow them to go on in their holy office free from the corrupting influence of endowments. This was ever the case till the last session when Lord Sydenham by means of the grossest corruption secured a majority to pass a bill dividing the Reserves among four denominations; this bill passed and was sent home, but did not become law, nor had it, as he (Mr. P.) believed, any thing to do with the passing of the Clergy Reserve Act in the Imperial Legislature. He (Mr. P.) was in-

formed by a gentleman who was then in England that that measure was passed in order to secure the carrying of the Union Bill, Sir R. Peel requiring, at the instance of the Archbishop of Canterbury, the passing the former measure as his price for enabling the Whigs to enact the latter. Neither was the division of the lands made by the Provincial Legislature, bad as it was, anything like so unjust as that sanctioned by the Imperial Act. He (Mr. Price) would vote against the motion.[55] ((He)) was averse to dividing these lands among Religious denominations, he did not wish to see the Ministers of the Gospel corrupted in this way, but that their lands would be kept from filthy lucre. He hoped to see those lands applied to legitimate purposes, and the question set at rest for ever, by devoting them to general educational purposes.[56] The Solicitor General knew full well that there are religious denominations in Upper Canada who if the lands were sold would never receive a portion of the money, who would not take it. He (Mr. P.) for one would not belong to a Church that would receive money from the state; other churches that are named, as entitled to a share, would not get it for years. He (Mr. P.) was surprised that the hon member for Leeds would support the motion after the eloquent speech he had made against the demands of the Clergy.[57] If a strong Ministry would bring a measure like that, a well matured measure, down to that House, it would deserve and have the support and confidence of that House, and the people of the country.[58]

MR. BOULTON - The members opposite are wonderfully patriotic on this subject. They were afraid that if they did not keep this and the University question before the country, they had no hopes of regaining power. He (Mr. B) asserted that all of the Clergy Reserves did belong to the Church of England, but as a portion had been taken from them by the Imperial Statute, he was desirous of making the most of what remained, and not to have them frittered away in expenses.[59]

MR. DUGGAN. - He felt convinced that it was far more desirable to have one Committee, than two which would bring in two different reports. He considered that the best way to settle the question was to dispose of the Clergy Reserves; if, however, the division of them was decided on, it was unfair to suppose that the right of preemption would not be respected by the Church Society. He considered that a great deal of the excitement, and objection to the division, was got up by politicians, for the purpose of making political capital out of it, or by greedy speculators, for the purpose of enriching themselves when the market had been glutted. He considered that the very fact of the issuing of the order to stop the sale shewed that there was something wrong; if there are grievances, why should this House refuse to investigate them, by the appointment of a committee, chosen indiscriminately by the House. He held that it would be injustice to the petitioners to refuse to appoint the Committee; he would like if it was appointed, to have all the evidence that could be got brought before the Crown Land Office.[60]

MR. MERRITT. - A great deal of interest is taken in these Clergy Reserves, while no one seems to care about the general lands of the

Province, which are the patrimony of the whole people. He (Mr. M.) had no hope that the Government will ever make these lands permanently useful to the Province. When the Clergy Reserves bill was before the upper Canadian Parliament, he (Mr. M.) had introduced a clause providing that the proceeds of the land should be invested in the Province, so as to keep the capital in the country; but, in the Imperial Act, this provision had been altered, and it would be seen by a reference to the Public Accounts that a great portion was invested at 3 per cent, although 6 per cent might have been obtained here.[61]

(80)

The Question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Boulton, Cayley, Christie, Colville, Daly, Dickson, Duggan, Ermatinger, Foster, Gowan, Hale, Jessup, Johnston, LeBoutillier, Macdonald of CORNWALL, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Monro, Papineau, Prince, Riddell, Robinson, Scott, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Viger, Williams, and Woods.--(31.)

NAYS.

Armstrong, Baldwin, Berthelot, Bertrand, Boutillier, Brooks, Cameron, Cauchon, Chabot, Chalmers, Chauveau, Desaunier, DeWitt, Guillet, Hall, Jobin, Lafontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonald of KINGSTON, Macdonell of STORMONT, Merritt, Méthot, Morin, Nelson, Petrie, Price, Roblin, Rousseau, Seymour, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Thompson, and Webster.--(40.)

So it passed in the negative.

(81)

Ordered, That two hundred copies of the Petition of Robert Fleming Gourlay, be printed for the use of the Members of this House.

Montreal Turnpike Roads. — *Ordered, That the accounts of the Trustees of the Montreal Turnpike Roads, laid before the House on Monday the sixth instant, be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road; and other references.*

Message from Administrator of the Government. — *The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Administrator of the Government, signed by His Excellency.*

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

CATHCART.

Ordnance Vesting Act. *The Administrator of the Government informs the Legislative Assembly, in reply to their Address to be furnished with any correspondence that may have taken place in relation to a Bill passed in the last Session of Parliament, and reserved for Her Majesty's pleasure thereon, intituled, "An Act to explain and amend part of an Act, passed in the seventh year of Her Majesty's Reign, intituled, 'An Act for vesting in the principal Officers of Her Majesty's Ordnance, the estates and property therein described, for granting certain powers to the said Officers, and for other purposes therein mentioned;'" that the subject of that Bill is still under the consideration of the Imperial Government, and the Administrator of the Government does not, therefore, conceive himself to be at liberty to communicate to the Legislative Assembly the unfinished correspondence referred to.*

GOVERNMENT HOUSE,
Montreal, 9th April, 1846.

Addition to a Committee. *Ordered, That Mr. Taché be added to the Select Committee to which was referred the Petition of the Mayor and Councillors of the City of Quebec.*

Ordered, That the said Committee have leave to report from time to time.

Provincial Penitentiary Bill. *The Order of the Day for the second reading of the Bill to consolidate and amend the Laws regulating the Provincial Penitentiary, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House, on Tuesday, the twenty-first instant.

Registry Bill, (U. C.) *The Order of the Day for the House in Committee on the Bill to consolidate and amend the Registry Laws of Upper Canada, being read;*[62]

MR. SOL. GEN. SHERWOOD, ((moved)) the House ... into Committee of the whole on Bil((l)) to amend Registry Laws of Upper Canada.[63]

(81)

The House accordingly resolved itself into the said Committee. Mr. Macdonald of Cornwall, took the Chair of the Committee,

MR. SOL. GEN. SHERWOOD - by the present Registry laws all deeds may be enregistered by memorial, but by the bill now before the House he proposed that all deeds should be registered at full length; if the House agreed to this he would go through the bill now, but if the House thought it better that deeds should be allowed to be enregistered by memorial, then he would move that the Committe (sic) rise, report progress and ask leave to sit again in order that he might have time to make such alterations as the bill required, if the House decided

that deeds might be enregistered by memorial. The hon. member for the Fourth Riding had objected to the registration of the deed at full length; it was his (Mr. S's.) opinion and also that of his colleagues that the deeds should be registered at full length. The objection of the hon. member is principally this, that by the reading of titles at full length on registry books, it would throw them open to unprincipled persons who might search out for defects in them and who might afterwards prevail upon the grantors to give them a good title for a small consideration, and thus enable them to oust the real purchaser, and that this had been already done where deeds had been registered by memorial, and that it would be ... worse if they were registered at length; he (Mr. S.) did not think that registering them at full length would increase this evil. And besides, the registry law was not for the purpose of securing persons having defective titles, but for the benefit of purchasers who would, by the proposed law, be better able to see the title the person they were purchasing from had; it appeared to him that it would not interfere with deeds already passed, and it will have the effect of making people more careful about titles when purchasing, and thus remedy many of the defects now existing; a good reason for having deeds registered at length was, that in case of the destruction of deeds by accident, the parties could get a duplicate of the original deed in the Registry office; he knew cases where parties had lost suits, they could not prove a single covenant in a deed which had been lost, although it had been registered by memorial for the memorial did not contain the covenants in the deed; he could not see that when a man buys a defective title the law should protect him. The object of the registry laws was to shew the nature of the title, and every thing about the title should appear in the registry office, in order that the whole community might know its nature, so as to prevent persons purchasing, from being deceived as to its validity.[64]

MR. BALDWIN - With great deference to the opinion of both the hon. Sol. General and his colleagues, he must say that he was of the same opinion which he had formerly expressed, in favour of registration by memorial instead of the deed at full length. There are two classes in which titles are bad - one, when titles are bad in common justice between the parties, and the others, when they are bad merely in consequence of some technical defect. In all cases of the first kind, the danger of acquiring titles by length of time was exceedingly small, as there were generally enough of parties interested who would bring the matter before a Court of justice - in the second class of cases all must admit it was exceedingly undesirable to spread out on the face of the register these defects and all the covenants in the deed, not only to the parties interested, but also to those pests of society, land sharks as they have been well called, who go about robbing their neighbours of their property - this is a great evil and greatly overbalances the good that may arise in a few cases. With respect to this system making the people more careful, he (Mr. B.) thought that as property became more valuable, proprietors will have

their conveyances more strictly drawn up. In England the great landed preprietors (sic) carefully guard their titles, they are kept in the archives of the proprietor or his legal adviser. The Duke of Bedford will not let his title be seen by any one but his legal adviser, who is sworn to secrecy, not even by those who are purchasing leases from him. Another serious objection to registering the whole deed is, that it will materially increase the expense. It is true that the Attorney General's bill respecting the conveyancing of land will obviate this objection in some degree, but not altogether - the expense of searches will also be greater, having to examine all the covenants. He (Mr. B.) objected to making a copy from the Registry office prima facie evidence of the title when it is lost.[65]

MR. AT. GEN. DRAPER - The principal objection of the hon. member (Mr. Baldwin) was, that deeds being registered at full length, they would be open to the inspection of every person; and that some persons might take advantage of any defect they might find in a title to wrest the land from the owner; he reminded the hon. gentleman that his objection failed, with regard to wills at least, for parties were obliged to make probate of all wills devising real estate both in England and in Upper Canada. Undoubtedly the objection of the learned member in reference to technical errors was entitled to serious consideration, and it was probably correct that titles were in many instances kept back on that account; he (Mr. Draper) could not say that he was much acqainted (sic) with the practice of land holders in England in that respect, but with regard to the Bedford house, history told something of its estates which he (Mr. D.) would not then particularize but which might perhaps, account for the caution referred to by the hon. member for the Fourth Riding. He (Mr. D.) thought however, that the memorial under the present system, disclosed as much any defects in a deed, as if the deed was registered at full length, he thought the expences would be about equal to those incurred under the present system; he was certain there would not be more than a sixpence of difference in the great majority of cases. In cases of lengthy deeds containing family settlements, or where a very valuable property was sold it might be more, but it would not cost more in the generality of cases.[66]

COL. PRINCE was in favour of registering Deeds at full length - for many deeds which profess to pass property in fee simple, may contain covenants which lessen the value a great deal. Why should not an honest vendor be willing to have his whole title made known to the purchaser? As to the property of the Russell family, it was well known that a great deal of it was acquired at the reformation, and hence the objections to show the titles.[67]

MR. WILLIAMS - He did not intend to go over all the arguments used by the members who had spoken on the question, but he would make one remark about making it compulsory to register titles at full length. Could there be a stronger proof that it would meet with the disapprobation of the whole people of Upper Canada, than this? The Registry Law has been in operation about 50 years, and

during that period not one in five hundred deeds had been registered at full length, and could they ask for a better proof of their repugnance to this mode of registering? He knew what the whole people of Upper Canada would say about this question, and they would say that it was done for the benefit of the lawyers, and them alone.[68]

MR. HALL. - Of law matters and registering of deeds the people at large know very little; but this they do know, that they must register their deeds, and he was convinced that they would be well satisfied with this bill.[69]

MR. ERMATINGER - He thought that this clause was exceedingly arbitrary; it would be the cause of increasing the expense of enregistering deeds.[70]

MR. SOL. GEN. SHERWOOD. - The hon. member for Middlesex has said that this bill would increase the expense of registration, now he did not believe that it would do so, but to prevent all likelihood of such being the case, he was willing to insert a proviso that the fee should not exceed a certain sum. He believed that this bill would cause a saving in conveyancing, because it would save from 5s. to 10s. for a memorial. His sole object in introducing this clause was to create a confidence in sheriffs' sales, by having the whole of the title before them in the registry office. Honorable members talk of the profession taking advantage of the title being set forth in full, to hunt up for defective titles, but bad as the lawyers were supposed to be by certain parties, he did not believe that the profession at large would be guilty of such conduct. It had again been said that this bill was framed for the aggrandisement of the lawyers, but the fact was, it would be a dead loss to them, for instead of drawing a deed and memorial, as before, they would now only draw a deed without a memorial. Would this be to their advantage?[71]

MR. BALDWIN moved in amendment that the section making it compulsory to register deeds at length be amended, so as to leave it optional to enregister either in full length, or by memorial.[72]

The amendment ... ((was)) put[73].

Ayes 34, nays 18 - majority 16.[74]

(81)

and after some time spent therein,
Mr. Speaker resumed the Chair.
And Mr. Macdonald of Cornwall, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

Simcoe Registry Office Bill.

The Order of the Day for the House in Committee on the Bill to provide for the removal of the Registry Office of the District of Simcoe,

from its present site to Barrie, the District Town, being read;

Ordered, That the said Order of the Day be postponed until Thursday next.

Albion Road Bill. The Order of the Day for the second reading of the Bill to incorporate certain persons under the name of the Albion Road Company, being read;

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Magdalen Islands. The Order of the Day for the House in Committee on the Report of the Select Committee to which was referred the Petition of Joseph Cormier, Esquire, and others, of the Magdalen Islands, in the County of Gaspé, being read;

The House accordingly resolved itslef into the said Committee.

The Honourable Mr. Robinson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And the Honourable Mr. Robinson reported that the Committee had come to a Resolution, which Resolution was again read the the Clerk's table, and agreed to by the House, and is as followeth:--

Address. Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, requesting that His Excellency will be graciously pleased to interpose His good offices with the Home Government, in behalf of the Inhabitants of the Magdalen Islands, for the most part Acadians of French origin, descendants of the Colonists of L'Acadie, (now the Province of Nova Scotia) originally colonized by France, whose religion, language, usages, and interests are identified with those of a majority of the inhabitants of Lower Canada; to prevent the annexation they apprehend, of those Islands, to the Government of Prince Edward's Island.

Communicated to Legislative Council. Resolved, That the said Resolution be communicated to the Legislative Council, by Message, requesting the concurrence of their Honours thereto.

Ordered, That Mr. Christie do carry the said Message to the Legislative Council.

Authentic Actes Bill. The Order of the Day for the second reading of the Bill for better regulating the formalities of certain authentic Actes passed before Notaries, being read;

Ordered, That the said Bill be read a second time on Tuesday next.

Assessment Bill, U. C. The Order of the Day for the House in Committee on the Bill to regulate assessments and the appointment of Collectors and Assessors in Upper

Canada, being read;[75]

MR. AT. GEN. DRAPER, ((moved)) the House ... into committee of the whole on the Assessment Bill of Upper Canada.[76]

(81)

The House accordingly resolved itself into the said Committee. Mr. Hall took the Chair of the Committee,

1st section of Bill was agreed to.[77]

On coming to the second section, MR. AT. GEN. DRAPER said that at present there was an assessor for each township appointed at Township meetings, but he intended that the bill should empower District Councils to form larger assessment districts by joining two or more townships together for the purposes of this bill, and to nominate an Assessor for each of these districts; no township however to be divided into two parts; that is to say, one part of it put into one Assessment District and another into another district; and no such district shall be less than one township.[78]

MR. MERRITT - He had an objection to the placing the appointment of the Assessors into the hands of District Councils. He thought the best way was to allow the townships to choose their own assessors, and then the assessors would be men who would be sure to know something about the property they had to value, for it was all in their own township; but by this bill you unite two or three townships together and send men to value property of which they know nothing.[79]

MR. SMITH (of Frontenac). - He was in favour of allowing District Councils to appoint Assessors, for they would be sure to see fit persons appointed. He thought the two offices of Assessor and Collector might be vested in one person.[80]

MR. BALDWIN. - The arguments of the hon. member for Lincoln were calculated to strengthen him in his opoinion (sic) against the principle sought to be introduced; he did not see any necessity for making such a great change, and must therefore oppose the clause.[81]

MR. SHERWOOD (of Brockville) said that the Townships often appointed very improper persons as assessors. He though (sic) the bill would remedy this evil, and it appeared to him would work much better than the old system, as the District Council would be likely to appoint much better educated men.[82]

MR. WILLIAMS. - The duties of assessors under the bill were most important and responsible, and it would be better for their appointment to proceed from the District Councils than from township meetings; and he was opposed to confining an assessor to a single township.[83]

MR. ROBLIN. - He did not think that this clause would be an improvement. District councils were often influenced by party feeling, and worse men would be appointed by them than by townships. He was opposed to the clause.[84]

MR. MEYERS, objected to the appointment of assessors being placed in the hands of the District Councils. He thought the townships were best qualified to appoint their own assessors.[85]

MR. THOMPSON. - He was in favour of District Councils having power to appoint Assessors, but was against assessors having jurisdiction over more than one township.[86]

MR. GOWAN. - He still held the same opinions as he expressed last night. He thought the office of assessor the most important of all their municipal offices. It was important that the office should be well filled, not only to the municipality, but to the province, and to the administration of justice, for the Jury Lists were made out from the assessor's books. He thought it desirable that a higher class of persons should be appointed assessors now, as their duties would be more important. At township meetings very little attention was paid to the election of proper officers; he thought it should be vested in the District Council.[87]

MR. R. MACDONALD, of Cornwall, was in favour of the appointment of Assessors being made by the District Councils.[88]

MR. ERMATINGER - He had heard no objection from the people against the old system, it would lead to no improvement to change it. The District Council have quite enough of business to do already without giving them more to do. People did pay attention at their township meetings to the appointment of proper officers.[89]

MR. PETRIE - made some observations, but in so low a tone as to be inaudible in the Reporters Box.[90]

MR. RIDDELL - He thought that Township meetings should be abolished. He thought that the District Council should appoint the Assessors, and he thought there should be only two or three for the District in order that there should be as great an equality in the assessment as possible.[91]

MR. D. MACDONELL of Stormont said, the measure then before the Committee was one that purposed to make a thorough change in the assessment laws of Upper Canada, and to deprive the people of the townships in that part of Canada, of the power of electing their Assessors and Collectors, and of uniting two, three or more townships of a District into one assessment division. He (Mr. McD.) was not prepared to deprive the people in Western Canada of the choice of their Township officers, and was inclined to think that they would exercise that privilege with caution. By the bill then before the House, it was contemplated to place the appointment of Assessor and Collector in the District Councils; it was probable that the selections would be judiciously made by that body, but from his (Mr. McDonnell's) experience in District matters, he did not see any sufficient ground to induce him to preclude the people at their township meetings from making the selection, and particularly as this bill contemplates placing an extensive power in the hands of Assessors viz., the valuation of landed property, a power that in his opinion ought to be

exercised with the utmost caution. It was true the bill contemplates a check on the Assessors's valuation, but when such power was vested in any one man, it was his (Mr. McD's) firm opinion, that that man should be the choice of the people at their township meetings which would also tend to prevent a family influence predominating in District Councils. It had been stated by hon. members that township meetings are confused and turbulsnt (sic); it may be so in some instances, but in many cases they are conducted with great order - confusion and disorder was in his opinion caused by the meetings being held in places which are too confined. From all he (Mr. McD.) had heard he was not disposed to take the power from the people of selecting their Assessors and Collectors.[92]

COL. PRINCE said, he was one of those persons who had voted for the establishment of District Councils, and he was now sorry that he had done so. He was against placing any more power in their hands than they now possessed, because they were utterly incompetent to perform the duties already imposed upon them. They were elected for party purposes only, and had neither brains nor principles; and they only went to the Council Chamber for the purpose of badgering each other. He had no confidence in District Councils. He (Col. Prince) referred particularly to the council of the Western District, with whose proceedings he was more particularly acquainted. So grossly ignorant was that Council of its duties, that when the Clerk was petitioned against, although it was notorious that he was a highly disreputable character, they would not even allow the petition to be read.[93]

MR. BOULTON and MR. DUGGAN - Were in favor of placing the appointment of Assessors in the hands of the Counsels (sic).[94]

MR. CAMERON - Contradicted the statements of the hon. member for Essex, which contained gross misrepresentations of the people of the Western District, and he called upon the hon. member for Kent to defend those whom he represented, from the calumnies that had been so boldly uttered.[95]

MR. DUGGAN. - Order, order.[96]

MR. CAMERON - If it be according to order for you to sit here and listen to men being grossly calumniated, it ought to be in order to listen to a defence.[97]

MR. CHALMERS - Thought the mass of the people would object to the power of appointing Assessors being taken from them. If the people of the Western District are so bad as the hon. member for Essex represented, he (Mr. C) could not see how such a corrupt people could send to that house a jewel so pure as the hon. member - (laughter).[98]

COL. PRINCE explained that he did not mean to condem (sic) all the people of the Western District and he would say that it was not by the bad portion that he was returned, - it was not by the Port Sarnia men. The hon. member reverted to his charges against the

clerk, and challenged the hon. member for Lanark, or any other, to contradict them if they could.[99]

MR. CAMERON said, that he must again contradict the statements made by the honourble (sic) member for Essex. The men sent by the Northern Townships of Kent were generally men worthy a seat in this House; he would name Capt. Vidal, now in town; Mr. Durand, the present representative of Sarnia; Mr. Hill, Mr. Inglis, Mr. Fisher, Mr. Johnson, Mr. Smith, Mr. Gisner, Mr. Duck; he asserted that the petition alluded to was too indecent to be read, and that the character of the clerk was as good as that of the hon. member for Essex himself, and he again demanded of the member for Kent to aid and defend not only his constituents but his native district from aspersions so false and foul, and would only make one remark that he (Mr. C.) could conceive nothing so damnatory to any man's character as an admission that he was at war with all his neighbours! The hon. member for Essex took pains to represent himself in this position, and it was he thought correct.[100]

MR. WOODS - Had voted against the Municipal Bill in 1841, but since that time he had never said a word against the Councils, and had done all he could to promote their prosperity. The Council of the Western District had done good, though they had also committed some errors, as all legislative bodies do, and he did not think they were so bad as hon. member for Essex had stated; there are men in the Council with whom he (Mr. W) was proud to associate, and who would be an honor to any society. With the character of the Clerk, he (Mr. W.) was not acquainted, and would leave that question to be settled between the accused and accuser. He (Mr. W) approved of the clause under discussion.[101]

MR. AT. GEN. DRAPER - Briefly replied to some of the objections that had been urged against the second clause. He considered that as they were adopting a new system of valuation, they required a new mode of appointment of Assessors to carry this system into effect. He (Mr. D.) thought that the Councils being deliberative bodies, would be ... ((more)) likely to appoint proper Assessors, than the people at their primary assemblies, and that it was not inconsistent with the popular principle to place the appointment in the hands of the Council, as they were elected every year, and if the people objected to their proceedings they could elect new Councillors in the coming year. He (Mr. D.) would not abandon the bill because all the clauses were not carried.[102]

MR. ROBINSON was in favour of having assessors appointed by the District Council; but he thought there should be one assessor for each Township.[103]

The question was then put whether the second section of the bill should pass[104].

It was decided that it should not. Ayes, 21; nays, 33.[105]

and after some time spent therein. (81)

Mr. Speaker resumed the Chair,

And Mr. Hall reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

Militia Bill. *The Order of the Day for the second reading of the Bill for the better regulation of the Militia of this Province, being read;*

The said Bill was accordingly read[106]

The Militia Bill was read a second time without discussion, there being no opposition to the principle of the bill, with the understanding that amendments were to be allowed when the House went into Committee on the bill[107].

and committed to a Committee of the whole House, on Friday, the seventeenth instant. (81)

Orders Postponed. *Ordered, That the remaining Orders of the Day be postponed until Monday next.*

Then, on motion of Mr. Gowan, seconded by Mr. Stewart of Bytown, The House adjourned until Monday next.

APPENDIX, 9 APRIL 1846.

((QUESTION AND ANSWER RE: STOPPAGE OF CLERGY RESERVES SALES.))[108]

MR. HALL asked the members of the Administration why the Sale of the Clergy Reserves had been stopped.[109]

MR. AT. GEN. DRAPER. - The reason was that it appeared from the investigation now going on respecting the Crown Lands Department that the valuation made of a large proportion of these Lands was considerably, he would say perhaps one third less, than the true value and it was therefore determined that no more Sales should take place until further information was obtained; that determination was not, however, meant to apply to applications that had been received before its adoption. (Hear, hear.)[110]

FOOTNOTES - 9 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 9 April 1846, PILOT, 14 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in identical accounts.
2. MIRROR, 9 April 1846.
3. IBID.
4. IBID.
5. The debate on this matter was reported by: MIRROR, 9 April 1846, PILOT, 14 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in identical accounts.
6. MIRROR, 9 April 1846.
7. IBID.
8. IBID.
9. IBID.
10. The debate on this motion was reported by: MIRROR, 9 April 1846, and PILOT, 14 April 1846, in identical accounts; MONTREAL GAZETTE, 13 April 1846, and ST. CATHARINES JOURNAL, 23 April 1846, in identical accounts; and PILOT, 11 April 1846, noted it. There is a commentary in PILOT, 11 April 1846.
11. MIRROR, 9 April 1846.
12. IBID.
13. MONTREAL GAZETTE, 13 April 1846.
14. MIRROR, 9 April 1846.
15. MONTREAL GAZETTE, 13 April 1846.
16. MIRROR, 9 April 1846,
17. IBID.
18. MONTREAL GAZETTE, 13 April 1846.
19. MIRROR, 9 April 1846.
20. MONTREAL GAZETTE, 13 April 1846.
21. MIRROR, 9 April 1846.
22. MONTREAL GAZETTE, 13 April 1846.
23. MIRROR, 9 April 1846.
24. MONTREAL GAZETTE, 13 April 1846.
25. MIRROR, 9 April 1846.
26. IBID.
27. MONTREAL GAZETTE, 13 April 1846.
28. MIRROR, 9 April 1846.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.

40. IBID.
41 IBID.
42. MONTREAL GAZETTE, 13 April 1846.
43. MIRROR, 9 April 1846.
44. MONTREAL GAZETTE, 13 April 1846.
45. MIRROR, 9 April 1846.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. MONTREAL GAZETTE, 13 April 1846.
57. MIRROR, 9 April 1846.
58. MONTREAL GAZETTE, 13 April 1846.
59. MIRROR, 9 April 1846.
60. IBID.
61. IBID.
62. The debate on this matter was reported by: MIRROR, 9 April 1846, and PILOT, 14 April 1846, in identical accounts; and PILOT, 11 April 1846, and MONTREAL GAZETTE, 13 April 1846, noted it.
63. MIRROR, 9 April 1846.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. The debate on this matter was reported by: MIRROR, 9 April 1846, PILOT, 14 April 1846, and CHATHAM GLEANER, 28 April 1846, in accounts that were identical except that in CHATHAM GLEANER some speeches were omitted entirely. There is a commentary in LE JOURNAL DE QUEBEC, 13 April 1846. LE JOURNAL DE QUEBEC commented: "après quatre heures et plus de débats, la 2me clause de ce bill a été rejetée à une assez forte majorité composée d'un bon nombre de ses partisans et du plus grand nombre des membres de l'opposition."
76. MIRROR, 9 April 1846.
77. IBID.
78. IBID.
79. IBID.
80. IBID.

81. IBID.
82 IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. The debate on this matter was reported by: MIRROR, 9 April 1846, and PILOT, 14 April 1846, in identical accounts. Commentaries are found in: BROCKVILLE RECORDER, 16 April 1846; and EXAMINER, 22 April 1846.
107. MIRROR, 9 April 1846.
108. The debate on this matter was reported by: MIRROR, 9 April 1846, PILOT, 14 April 1846, BROCKVILLE RECORDER, 23 April 1846, in identical accounts. There is a commentary in EXAMINER, 22 April 1846.
109. MIRROR, 9 April 1846.
110. IBID.

(82)

Petitions laid on the table.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Lantier,--The Petition of the Honourable R. U. Harwood and others, of Vaudreuil.

By Mr. Cameron,--The Petition of the Reverend David Leavitt and others, Ministers and Members of the Christian Universalist Association of Canada West; the Petition of the Reverend Benjamin Fralick and others, the Ministers and Members of the Christian Universalist Association for Canada West; the Petition of the Municipal Council of the District Bathurst (relating to Schools); the Petition of the Municipal Council of the District of Bathurst (relating to King's College); the Petition of the Reverend William Dick, on behalf of the Ottawa Baptist Association convened at St. Andrews (relating to King's College); the Petition of the Reverend William Dick on behalf of the Ottawa Baptist Association convened at St. Andrews (relating to Clergy Reserves); and the Petition of Thomas S. Shenston, of Woodstock.

By the Honourable Mr. DeBleury,--The Petition of T. Appleton and others, Contractors, Master Builders and Masons, of Montreal.

By Mr. Boulton,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Toronto (relating to the Acts incorporating the said City).

By the Honourable Mr. Morin,--The Petition of George Perry and others, of the City and Parish of Montreal, the Parish of Longueuil and neighbouring places; the Petition of William Giroux and others, of Hochelaga and Montreal; and the Petition of the Municipal Council of Hochelaga (relating to Turnpike Trustees).

By the Honourable Mr. Daly,--The Petition of Jean Baptiste Rousseau, and others, inhabitants of Forsyth and other Townships, in the County of Megantic.

By Mr. Thompson,--The Petition of Robert H. Bruce, Esquire, and others, inhabitants residing on the Grand River in the County of Haldimand; the Petition of James Blott, Esquire, and others, inhabitants of the Township of Dunn, in the District of Niagara; and the Petition of William Chalmers and others, inhabitants of the Township of Sherbrooke Forest, in the District of Niagara.

By Mr. Ermatinger,--The Petition of G. Wrong and Alexander Saxton, Esquires, in behalf of the inhabitants of the Township of Malahide.

By the Honourable Mr. Cayley,--The Petition of Henry Puddicombe and others, members of the United Church of England and Ireland, in the Township of Wilmot, in the District of Wellington, in the Diocese of Toronto.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of John King, Esquire, M.D., and George R. Grasett, Esquire, L.M.,

on behalf of the Toronto Medico-Chirurgical Society.

By the Honourable Mr. Robinson,--The Petition of William Charles Hume, Esquire, in behalf of the inhabitants of Orillia, and adjoining Townships; and the Petition of the Reverend Alexander Pyne, A.B., and others, members of the United Church of England and Ireland, in the Townships of Sarnia and Plympton, in the Diocese of Toronto.

By Mr. Price,--The Petition of Thomas Ewart, Esquire, and others, of the City of Toronto; the Petition of John Murphy and other inhabitants of the Township of Vaughan, in the Home District; the Petition of Daniel Knowles and others, inhabitants of the Townships of Scarborough and Pickering; the Petition of Henry Miller and others, inhabitants of the Township of Markham, in the Home District; the Petition of William Steel and others, inhabitants of the Townships of Scarborough and Pickering; the Petition of Wouter Bosworth and others, members of the Baptist Church in Paris, Upper Canada; the Petition of the Reverend J.M. Cramp, in behalf of the Canada Baptist Union (relating to Theological Colleges): the Petition of J.M. Cramp, in behalf of the Canada Baptist Union (relating to Clergy Reserves); and the Petition of Reverend J.M. Cramp, in behalf of the Canada Baptist Union (relating to King's College).

By Mr. Johnston,--The Petition of James Rosamond and others, members of the United Church of England and Ireland, in the Village of Carlton Place, in the Diocese of Toronto; the Petition of S. Ormsby and others, members of the United Church of England and Ireland, in Richmond and its vicinity; and the Petition of Thomas Corcoran and others, of the Town of Bytown.

By Mr. Murney,--The Petition of the President and Board of Police of Belleville.

By Mr. Roblin,--The Petition of Gideon B. White and others, of the Township of Hillier; and the Petition of Andrew Austin and others, Medical Practitioners of the District of Prince Edward.

By Mr. Seymour,--The Petition of the Venerable George O'Kill Stuart and others, inhabitants of the Town and Township of Kingston; and the Petition of the Reverend Job Deacon and others, members of United Church of England and Ireland, in the Parishes of Adolphustown and Fredericksburgh, in the Midland District, (relating to Schools.)

By Mr. Chabot,--The Petition of the Reverend J. L. Alain and others, of the District of Gaspé; and the Petition of Isaac Hilgrove Gosset, Esquire, of the Island of Jersey.

By Mr. Stewart of Bytown,--The Petition of Louis T. Besserer and others, of the Town of Bytown; and the Petition of Robert Stobo and others, of the District of Bathurst.

By Mr. Sherwood of Brockville,--The Petition of Peter Adams and others, inhabitants of the District of Johnstown; the Petition of Hiram Adams and Abel S. Pope, of the Township of Edwardsburgh, in the District of Johnstown, and the Petition of George Crawford, Esquire, Mayor, on behalf of a meeting of the inhabitants of the Town of Brockville.

By Mr. M'Connell,--The Petition of Ichabod Smith and others, Trustees of Stanstead Seminary.

By the Honourable Mr. Aylwin,--The Petition of the Right Reverend the Lord Bishop of Montreal and others, the Committee of Management of the National Schools of Quebec; the Petition of Jeffery Hale, Esquire, and others, President and Members of the Quebec British and Canadian School Society; and the Petition of G. H. Ryland, Esquire, and others, Registrars in the District of Montreal.

By the Honourable Mr. Moffatt,--The Petition of Alphonso Wells, of the City of Montreal.

By the Honourable Mr. Baldwin,--The Petition of Charles Baker and others, master mechanics of the City of Toronto.

By Mr. DeWitt,--The Petition of William Evans and others, of the Parish of Montreal.

By Mr. Williams--The Petition of John Gibson and others, of the Townships of Clarke and Manvers, in the District of Newcastle.

By Mr. Gowan,--The Petition of Joseph P. Slocum, of Port Sarnia the Petition of James Hannah, of the Township of Sarnia, and the Petition of John Burwell of Port Burwell, Esquire, (relating to a grant of land.)

By Mr. Cummings,--The Petition of J. H. Culp, of the Township of Stanford, in the District of Niagara; the Petition of Dilly Coleman and others, of the Township of Thorold, in the District of Niagara;

(83)

the Petition of John Lemon and others, of Willoughby, in the District of Niagara; and the Petition of Arthur Johnston and others, of the Township of Bertie West, in the District of Niagara.

By Mr. Macdonell of Dundas,--The Petition of A. Rainsford and others, of the United Church of England and Ireland, in the Township of Osnabruck, in the County of Stormont, in the Diocese of Toronto.

By Mr. Dickson,--The Petition of Walter H. Dickson, Esquire, and others, of the Town of Niagara.

By Mr. Bertrand,--The Petition of H. Davidson and others, members of the United Chruch of England and Ireland, in the Diocese of Quebec.

By Mr. Solicitor General Taschereau,--The Petition of Féréol Roy, Esquire, and others, inhabitants of the South shore of the River St. Lawrence, in the District of Quebec; and the Petition of Jean Baptiste Laverdière and others, of Bellechasse.

By Mr. Macdonald of Kingston,--The Petition of the President, Directors, and Company of the Commercial Bank of the Midland District; and the Petition of M. T. Hunter, President of the Merchant Seamen's Society of Kingston.

Mr. Speaker addresses the House.

The Honourable the Speaker then addressed the House in the words following:--[1]

I beg to be permitted to address a few words to the House.

This House is probably aware that, at a great sacrifice of private feeling, I came down to the meeting of Parliament, in order to discharge, to the best of my humble abilities, the duties of an im-

portant public office; and it has now become my painful duty to state, that an impending domestic calamity, arising from the dangerous, and, as I fear, hopeless state of the health of Lady MacNab, obliges me to request that I may, for a season, be relieved from my duties as the Speaker of this House.

I trust it is unnecessary for me to assure Honourable Gentlemen, that, from the moment I was placed in the Chair, my greatest desire has been to obtain the confidence of this House, by the faithful discharge of my duties, and the impartiality of my conduct; if, in the pursuit of this object, I should at any time have failed to distinguish correctly, between what was due to private feelings and public service, or to have overlooked the many instances I have experienced, of the kindness and partiality of my friends, I trust that this House will not place the error to the account of a presumptuous reliance on my own abilities. It may have happened that, either from hastiness of temper, or the pain of indisposition, I have shewn inattention, or feelings of irritation towards members of this House; to all such I beg to express sincere regret for its occasion, and most humbly apologize for it.

Having had some years experience in the office of Speaker, I am not unacquainted with the difficulties of the station I have had the honour to fill, - difficulties which are frequently increased by the unexpected urgency with which they present themselves for elucidation and removal. The same experience has, however, taught me, that in all such cases, whoever has the honour to fill the Chair of this House, can at all times confidently rely upon the support and the indulgence of the House.

If, therefore, it should be the pleasure of the House, owing to the melancholy position in which I am placed, to relieve me, for the present, from my duties as their Speaker, they may rest assured, that I shall not fail to use every exertion to resume my duties, whenever I may be released from the discharge of those sacred obligations of my domestic circle, which this House will permit me to say, I cannot but feel are paramount to every other consideration.[2]

MR. AT. GEN. DRAPER then rose and said, that he was sure he only spoke the sentiments of the[3] House - of both sides of it - when he said that it was with sincere regret that it had learned[4] the melancholy announcement[5] ((of)) the painful necessity under which the Speaker found himself compelled to retire from the dignified office which he had filled with so much honour to himself. If it could convey any consolation in the midst of his affliction, his honour might be assured of the heartfelt sympathy of the House.[6] But, said the learned gentleman, my feelings will not permit me to do more than to move the resolution which I hold in my hand.[7]

(83)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Viger,[8]

Resolved, That Mr. Speaker's request for leave of absence, be granted for the reasons assigned by him.

Cette proposition ayant été adoptée en silence, SIR A. MACNAB descendit du fauteuil et sortit, saluant les deux côtés de la chambre, dont tous les membres étaient debout.[9]

(83)

Mr. Speaker leaves the Chair.

Mr. Speaker then left the Chair, and the Mace was laid under the table.

Honourable Mr. Morin appointed Speaker.

The Honourable Mr. Attorney General Draper, member representing the Town of London, stood up, and addressing himself to the Clerk, (who, standing up, pointed to him, and then sat down,) moved to resolve, that the Honourable Augustin Norbert Morin, a Member of this House, be desired to take the Chair, to supply the Speaker's place, during his absence, and no longer; in which motion he was seconded by the Honourable Mr. Aylwin, Member representing the City of Quebec.

MR. AT. GEN. DRAPER again rose, and said that the situation in which the House was now placed, without a Speaker,[10] in consequence of the leave it had granted, it was necessary to take some further steps[11] in order that it might go on with the business of the country. He had looked into a few precedents on the subject, and had ascertained that there was sufficient warrant for the course he now proposed to take. It appeared that there had been several cases in the British Parliament of Speakers having obtained leave of absence, on account of illness,[12] and one, in the Upper Canadian Assembly, of a Speaker[13] (Sir Allan McNab)[14] having obtained leave, on account of an absence caused by his duty to the public.[15] Under such circumstances it was necessary to enter into some arrangement to fill the Chair during the absence of the hon. Speaker[16]. He (Mr. Draper) intended following the course pursued on those occasions[17] ((when)) it had been resolved by the House to elect some Minister to perform the duties of Speaker, during the absence of the Speaker. In accordance with that practice, he should now move that the hon. member for Bellechasse[18], a gentleman who would be acceptable to the House generally[19], be desired to take the chair, during the absence of Sir A. N. McNab, and no longer. He need say no more in support of the motion than that Mr. Morin had, on a previous occasion[20], last Session,[21] been supported by a very large number of the House, though he had not obtained a majority.[22]

The nomination was seconded by MR. PRES. EX. COUN. VIGER who, however, gave way to Mr. Aylwin[23].

The motion was seconded by MR. AYLWIN[24].

(83)

And the Question being put by the Clerk, it was

Resolved, Nemine contradicente, That the Honourable Augustin Norbert Morin be desired to take the Chair, to supply the Speaker's place during his absence, and no longer.

The Honourable Augustine Norbert Morin was then conducted to the Chair by the Honourable Mr. Attorney General Draper, and the Honourable Mr. Aylwin, where, standing on the upper step, he returned his humble acknowledgments to the House for the great honour they had been pleased to confer upon him.

MR. MORIN ... addressed the House in French and English.[25] ((He)) said that he felt much regret at hearing the painful cause which had led to the retirement of the Speaker.[26] He believed, he said, that no situation was more important than that of presiding over that House[27]. He (Mr Morin) must thow (sic) himself on the good feeling of the members, for[28] under any circumstances he would feel incompetent to the discharge of the important duties of Speaker, but peculiarly so after the hon. gentleman who had just been compelled to retire from the chair under such distressing circumstances. Notwithstanding the allusion ... which had been made by that hon. gentleman to the errors which he had committed, he (Mr. Morin) must say that he was unaware of any such.[29]

Hear, hear from both sides of the House.[30]

He, MR. MORIN, was sure that there was no second opinion in the House as to the manner in which the hon. gentleman had discharged the arduous duties of his office.[31] He (Mr. M.) believed then, that under any circumstances, he would be insufficient for his duties of the office, but especially he would have to beg the consideration of the House at the commencement of his career, because of the small attention which he had hitherto been able to pay to its duties.[32] There was the more necessity for his appealing for indulgence help and advice from the House which he humbly sought from all its members. (hear, hear.)[33] He would, however, assure the House, that this knowledge of his own deficiency would only make him more anxious to receive its advice on all difficult occasions[34] and he should receive it at all times with profound respect.[35]

(83)

And then he sat down in the Chair, and the Mace was laid upon the table.

MR. BALDWIN ... alluded to the propriety of submitting to His Hxcellency (sic) a notification of the choice which the House had made of its new Speaker.[36]

(83)

The House then adjourned during pleasure.[37]
The House resumed.

Lunatics and Idiots Relief Bill. An Engrossed Bill to remove certain doubts as to the Jurisdiction conferred upon the Court of Chancery in Upper Canada, in matters relating to Lunatics, Idiots, and persons of unsound mind, and their estates, and to amend and extend the Laws in force in Upper Canada, relating to Lunatics, Idiots, and persons of unsound mind, and their estates; was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Draper do carry the said Bill to the Legislative Council and desire their concurrence.

Fines and Recoveries Bill. An Engrossed Bill for the substitution of more simple modes of assurance in lieu of fines and recoveries, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Draper do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of William Dawson and others, of the County of Dorchester; praying for aid to enable them to complete the road from Point Levi to Kennebec.

Of J. O. Chevrefils, Esquire, and others, inhabitants of the County of Yamaska; praying that Bridges be constructed over the Yamaska, St. Francis and Nicolet Rivers.

Of Archibald Thompson, Esquire, and others, inhabitants of the Township of Stanford, in the District of Niagara; praying for the removal of the County Town to a more central part, but that it may not be situated at St. Catharines.

Of James K. Andrews and others, inhabitants of the Township of Dumfries, in the District of Gore; praying for the establishment of a certain new line of road, and that the old road allowance be granted to J. K. Andrews, in lieu of the said new line.

Of William Gibson, Esquire, and others, freeholders of the Township of Edwardsburgh; praying that the Town line may be continued from the rear of the 5th Concession to the rear of the Township, agree-

(84)

ably to the map in the Surveyor General's Office.

Of William Power and Jean Casimir Bruneau, Esquires, Circuit Judges in and for the District of Quebec; praying that the Circuit Judges of the said District may receive an allowance for travelling expenses, and indemnity for expenses already incurred.

Of James Carpenter and others, of Demorestville and its vicinity; praying that the Act 4 and 5 Vict., chap. 19, may be so amended as to reduce the number of scholars required to be taught in the Grammar School of that place.

Of Thomas Morgan, of Hallowell, in the District of Prince Edward; praying that the Judge of the said District be appointed a Commissioner to adjust claims held by Petitioner, as well as by any others in the District, for loss by erroneous surveys of land.

Of the Municipal Council of St. Hyacinthe; praying that the laws relating to sleighs be repealed.

Of John Hale and others, Leather Manufacturers and dealers, of Montreal; praying that no reduction be made in the rate of duty now imposed upon Leather and Leather Manufactures.

Of Lodicarius Beisang and others, of Waterloo and other Townships; praying that a term be allowed them for obtaining their naturalization, and for a general law granting a longer period for taking the oath of allegiance, or that all aliens after a residence of seven years may take the said oath.

Of James P. Gage and others,[38] of the Township of Nelson, in the District of Gore; praying that the Funds of the University of King's College may not be divided amongst different Religious Denominations.

Of Alexander M'Naughton[39] and others, of the Townships of Nassagaweya; praying that the Funds of the University of King's College, Toronto, may not be divided amongst various Religious Denominations.

Of Henry F. Graham and others, inhabitants of Barton, and other Townships in the District of Gore; praying for the construction of a Swing Bridge over the Burlington Bay Canal.

Of Alexander M'Cann[40] and others, of Nassagaweya; praying that the Report of the Select Committee, recommending that a portion of the Clergy Reserve Lands may be vested in the Church Society of the Diocese of Toronto, be rejected.

Of the Reverend T. G. Elliot[41] and others, members of the United Church of England and Ireland, in the Township of Colchester, in the Western District; and of the Reverend Robert Harding and others, members of the United Church of England and Ireland, in the Township of Emily, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Reverend Edward G.[42] Sutton and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Reverend Messire Lamarre and others, of the Parish of Ste. Jeanne de l'Isle Perrot, in the District of Montreal; praying for an aid to repair certain Roads, and to make a Quay and other improvements in the said Island.

Of Sister E. Forbes dite M'Mullen, Superior and other Ladies, the Religious Sisters of Charity of the General Hospital of Montreal, (Soeurs Grises;) praying to be empowered to sell certain portions of

their property.

Of the Reverend Messire Ducharme and others, of Ste. Thérèse and other Parishes, in the County of Terrebonne; praying that the Registry Office for the said County may be removed from the Village of Terrebonne to Ste. Thérèse de Blainville.

Of Robert Riddell, Esquire, and others, of the District of Talbot; praying that the 4th Section of the Naturalization Law of 1841 may be revived and continued.

Of W. F. Wallace, Chairman of a meeting of the inhabitants of Bayham, and the adjoining Townships in the District of London; praying for aid to improve the Port Burwell Harbour, and to construct a Plank Road leading thereto.

Of John Claus and W. Claus of Niagara; praying for an enquiry into a certain Surrender made by the Six Nations Indians, on the Grand River, in Canada West, to the late Honourable William Claus, of whom they are heirs.

Of Edmund Riselay, Esquire, and others, of the District of Niagara; praying that the Act passed last Session, for the regulation of Ferries, may not apply in its operations to the River Niagara; and that it be restricted to Ferries entirely within the Province.

Of G. W. Brooks and others, inhabitants of the Town and vicinity of Sherbrooke; praying that the intentions of the Legislature expressed, during the last Session, on the subject of a Branch Road from Sherbrooke to the Eastern Townships may be carried out.

Petitions Referred:	Ordered, That the Petition of Mrs. Julia Bell, of the City of Toronto, widow of the late AEneas Bell; and the Petition of Mrs. Catherine M'Lennan, widow of Hugh M'Lennan, late door keeper to the Legislative Assembly, be referred to the Standing Committee on Contingencies.
Julia Bell.	
Catherine M'Lennan.	
P. Wallace, et al.	Ordered, That the Petition of Patrick Wallace and others, of Cobourg; the Petition of D. E. Boulton, Esquire, and others; the Petition of Thomas Molson, Esquire, and others, inhabitants of the City of Montreal; and the Petition of Lodicarius Beisang and others, of Waterloo and other Townships, be referred to the Standing Committee on Private Bills.
D. E. Boulton, Esquire, et al.	
T. Molson, Esquire, et al.	
L. Beisang, et al.	
Rev. F. J. Lundy.	Ordered, That the Petition of the Reverend Francis J. Lundy, Professor of Classical Literature in McGill College, be referred to the Select Committee to which was referred the Petition of William Wickes, A.M., and of Edward Chapman, B.A., of the City of Montreal.

Ordered, That the Honourable Mr. Cayley be added to the said Committee.

Samuel Birdsall, Esq. et al.
J. Kerby, et al.
T. O. Parry, et al.
O. Buchner, et al.
J. Graybill, Esquire, et al.
A. Schooley, et al.
A. Thompson, Esquire, et al.

Ordered, That the Petition of Samuel Birdsall, Esquire, and others, of the Township of Canboro, in the District of Niagara; the Petition of James Kerby and others, of Bertie, in the District of Niagara; the Petition of Thomas O. Parry and others, of the Township of Gainsboro', in the District of Niagara; the Petition of Ozias Buchner and others, of the Township of Crowland, in the District of Niagara; the Petition of John Graybill, Esquire, and others, of the Township of Wainfleet, in the District of Niagara; the Petition of Abraham Schooley and others, of the Township of Humberstone, in the District of Niagara; and the Petition of Archibald Thompson, Esquire, and others, inhabitants of the Township of Stanford, in the District of Niagara; be referred to the Select Committee to which were referred so much of the entries in the Journals of this House of the Session of 1843, as contain the Petition of the Municipal Council of the District of Niagara, on the subject of the selection of a site for a new District Town;

(85)

J. Harris, et al.

the Petition of John Harris and others, inhabitants of Grimsby, and other Townships, in the District of Niagara; and the Reports of the Select Committee to which the said Petitions were referred.

C. Gates, et al.

Resolved, That the Petition of Calvin Gates and others, of the Townships of Walpole and Rainham, in the District of Talbot, be referred to a Select Committee composed of Mr. Thompson, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Papineau, Mr. Merritt, and Mr. Price, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

T. Morgan.

Resolved, That the Petition of Thomas Morgan, of Hallowell, in the District of Prince Edward, be referred to a Select Committee, composed of Mr. Roblin, Mr. Macdonald of Kingston, and Mr. Price, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. K. Andrews, et al.

Resolved, That the Petition of James K. Andrews and others, inhabitants of the Township of Dumfries, in the District of Gore, be referred to a Select Committee, composed of Mr. Webster, Mr. Williams, Mr. Stewart of Bytown, Mr. Roblin, and Mr. Dickson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

W. Duncan.

Resolved, That the Petition of William Duncan of

Coteau du Lac, be referred to a Select Committee, composed of Mr. Lantier, Mr. Méthot, Mr. Laurin, Mr. Macdonell of Stormont, and Mr. Guillet, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

W. M'Dougall, et al. — Resolved, That the Petition of Wm. M'Dougall and others, of the Township of Hamilton, in the District of Newcastle, be referred to a Select Committee, composed of Mr. Meyers, Mr. Williams, Mr. Seymour, Mr. Macdonald of Cornwall, and Mr. Chalmers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Messages from Administrator of the Government. — The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, two Messages from His Excellency, the Administrator of the Government, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

CATHCART,

Lots for Public Buildings in Montreal. — The Administrator of the Government recommends to the Legislative Assembly the consideration of the necessity of adopting measures to authorize the Administrator in Council to select and acquire suitable lots of ground in the City of Montreal, for the erection of a Residence for the Governor of the Province, of a Parliament House and Public Offices, and to provide the means of carrying these objects into execution.

GOVERNMENT HOUSE,
Montreal, 13th April, 1846.

CATHCART,

Application of Honourable L. J. Papineau. — The Administrator of the Government recommends to the consideration of the Legislative Assembly the accompanying application from the Honourable L. J. Papineau, for arrears of Salary, amounting to Four Thousand Five Hundred Pounds Currency, and not drawn by him, as Speaker of the Legislative Assembly of Lower Canada, 4th March, 1846.

The Administrator of the Government is advised that this debt is due in point of Law, and if the House concur in this opinion, and shall be pleased to make provision for the payment of it, the Administrator of the Government is authorized, in such case, to signify his willingness on behalf of Her Majesty's Government, to accede to Mr. Papineau's application.

GOVERNMENT HOUSE,
Montreal, 11th April, 1846.

(Copy.)

Montreal, 4th March, 1846.

SIR,

May I beg that you will be kind enough to submit to His Excellency, the Governor-General, for his early and favourable consideration, my just claim for the payment of arrears of Salary due to me as former Speaker of the House of Assembly.

Your sense of justice and perfect knowledge of the facts, exempt me from the necessity of entering into any explanation with reference to the nature and amount of my claim, which is founded on public documents. I therefore trust, that at the first convenient opportunity, you will lay before His Excellency all necessary information, and a detail of the circumstances which oblige me respectfully to solicit his interference, by issuing his warrant to the Receiver General, or adopting such other measure as in his wisdom and benevolence he may think proper, so as to enable me to receive a sum which I think justly due to me from Her Majesty's Government.

I am, &c.

(Signed,) L. J. PAPINEAU.

The Honourable D. DALY,
&c. &c. &c.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Administrator of the Government,

Return of Commutations. Return to an Address of the Legislative Assembly, dated the 30th ultimo; praying that His Excellency, the Administrator of the Government, would be pleased to direct the proper officer to lay before the House "a Return of the number of Commutations which have taken place under the Act 8th Victoria, chapter 42, intituled "An Act the better to facilitate optional Commutations of the tenure of lands en roture in the Seigniories and Fiefs in Lower Canada, into that of franc alleu roturier."

SECRETARY'S OFFICE,
Montreal, 1st April, 1846.

SIR,

I have the honour, by command of the Administrator of the Government, to request that you will be good enough to furnish me at your earliest convenience, to enable His Excellency to reply to an Address of the House of Assembly upon the subject, with a list or schedule of all Notarial agreements or actes which may have been deposited in your office by any Seignior or Proprietor of any Fief or Seigniory in Lower Canada, in pursuance of the requirements of the 3d section of the Act 8th Vic., cap. 42.

I have, &c.,

(Signed,) D. DALY,
Secretary.

Honourable W. MORRIS,
Receiver General,
&c. &c. &c.

(86)

RECEIVER GENERAL'S OFFICE,
Montreal, 3d April, 1846.

SIR,

Notarial Actes. I have the honour to acknowledge the receipt of your letter of the 1st instant, and in reply thereto, I beg to state that no Notarial agreements or actes have as yet to my knowledge been deposited in my office by any Seignior or Proprietor of any Fief or Seigniory in Lower Canada, in pursuance of the requirements of the 8th Victoria, c. 42.

I have, &c.,

(Signed,) W. MORRIS,
Receiver General.

Honourable D. DALY,
Provincial Secretary,
&c. &c. &c.

Also,

Navigation of River Richelieu. Return to an Address of the Legislative Assembly to His Excellency, the Administrator of the Government, dated 2d instant; praying that His Excellency will be pleased to inform the House "of all such steps as have been taken by the Board of Works to complete the navigation of the River Richelieu, and the causes why the appropriation made to that effect by the Statute of the 4th and 5th Victoria has not been expended."

(Copy.)

BOARD OF WORKS,
Montreal, 11th April, 1846.

SIR,

By command of His Excellency, the Administrator of the Government, I have the honour to report for his information,

That the works of the improvement of the River Richelieu were advertized and tenders for their construction received early in 1844.

That on the 10th July the tenders were decided on, and after the usual enquiries as to the securities, &c., the contract was executed on the 12th August of the same year.

That although considerable preparation of materials was made by the contractors, their progress with the work generally was very unsatisfactory, so much so as to compel the Board in September last to institute proceedings to take the work out of their hands. That the parties so contracted with, were those who had taken the work of the Montreal termination of the Lachine Canal, in which they also failed; and becoming bankrupt, all their outfit, as well as the materials prepared by them for the prosecution of their works, were placed in the

hands of the assignees, and it has been but within the last few days that the Board have been able to make such arrangements with them as give them the command of the materials.

The work is now re-advertized, and every exertion will be made to have the work completed in the shortest possible time.

I have, &c.

(Signed,) H.H. KILLALY,
Chairman.

Honourable D. DALY,
Provincial Secretary,
&c. &c. &c.

And also,

Quebec Turnpike Roads. Return to an Address of the Legislative Assembly to His Excellency, the Administrator of the Government, dated 30th ultimo; praying that His Excellency will be pleased to acquaint the House "with the reasons why the Trustees of the Quebec Turnpike Roads have not caused the road from the Côte de Champigny (including the aid Côte) to the Bridge commonly called the "Red Bridge" or "Commissioner's Bridge" to be Macadamized, in conformity with the Act 8th Victoria, chap. 55, and if the said Trustees have the intention of conforming themselves to the said law, and of Macadamizing the said road in the course of next summer."

(Copy.)

Quebec, 7th April, 1846.

SIR,

In answer to your letter dated the 1st instant, transmitting copy of an Address of the House of Assembly for certain information relative to the Quebec Turnpike Trust, I have the honour to inform you, by order of the Trustees of the Quebec Turnpike Roads, that they have not caused the road from the Côte de Champigny, including the said Côte, to the Bridge commonly called the Red Bridge or Commissioner's Bridge, to be Macadamized, in conformity with the Act 8th Vict., c. 55, for the following reasons:--

Because the loan authorised by the said Statute of the sum of eight thousand eight hundred and eighty-two pounds currency was granted upon the petition and estimate made by the Trustees to the Legislature, for the purpose of finishing the old roads and works then in progress and previously put under their management, in which estimate the Champigny Road was not included; but after the petition and estimate made by the Trustees, it was included in the Act by the Legislature without any provision or grant of moneys for its construction.

To make and Macadamize the Champigny Road as provided for by the Act it will require a sum of three thousand pounds currency or thereabouts.

I am further directed by the Trustees to inform you, that steps have been taken by them preparatory to commencing and making the

Champigny Road as soon as they have funds to apply to that object.

I have, &c.
(Signed,) J. PORTER,
Secretary.

Honourable D. DALY,
Provincial Secretary,
&c. &c. &c.

Ordered, That the Select Committee on Railroads have leave to report from time to time.

Report on Railroad Bills. The Honourable Mr. Robinson, from the Select Committee on Railroad Bills, with power to report from time to time, presented to the House the First Report of the said Committee, which was again read at the Clerk's table.

(For the said Report, see Appendix R.)

Magdalen Islands Bill. Ordered, That the Select Committee to which was referred the Magdalen Islands Bill, and other References, have leave to report from time to time.

Ordered, That Mr. Leslie be added to the said Committee.

Mr. Christie, from the Select Committee to which was referred the Bill relating to the Magdalen Islands, in the Gulf St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, and other references, with power to report from time to time, presented to the House the First Report of the said Committee, which was again read at the Clerk's table.

(For the said Report, see Appendix S.)

Report on Petition of W. Rogerson, et al. Mr. Stewart of Bytown, from the Select Committee to which was referred the Petition of William Rogerson and others, Manufacturers of Lumber, of the Province of Canada, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. Your Committee having taken into consideration the Petitions of several parties, praying that the salary of the Supervisor of Cullers in Quebec be increased; beg leave to recommend that such salary be increased from four hundred to five hundred pounds, and that it should not hereafter exceed that sum.

(87)

Ordered, That the said Report be committed to a Committee of the whole House, on to-morrow.

Private Bills. *Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Fifth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Trafalgar Road Bill. *Your Committee have examined the Bill to incorporate certain persons as "the Trafalgar, Esquesing, and Erin Road Company," and have made certain amendments thereto, which they submit to your Honourable House.*

Petition of A. Leslie, Esq. *Your Committee have considered the Petition of Anthony Leslie, Esquire, Inspector of Licences for the District of Bathurst; praying to be protected from the consequences attendant upon his having inadvertently voted at the last Election for the County of Lanark. A law was passed last Session for the purpose of indemnifying such persons (being disabled from voting) as might, through ignorance of the law, have given their votes at the last General Election; but as the Election in question was held a few months subsequent to the General Election, the Petitioner's case does not come within that Act; your Committee beg leave, therefore, to recommend that a Bill be passed for his relief.*

Woodstock Railroad. *The Petition of John Burwell, Esquire, praying against the incorporation of the Woodstock, Port Burwell, and Port Rowan Railroad Company, has been referred to your Committee, but as they have already reported against the measure in question, it is unnecessary for them to take the Petition into their consideration.*

Report on Petition of J. W. Sharrard, et al. *Mr. Williams, from the Select Committee, to which was referred the Petition of James W. Sharrard and others, of Pickering and other Townships in the Home District, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Your Committee have considered the Petition of James W. Sharrard and others, of the Home District, praying that the ministers of the denomination called "Christians," may be allowed to celebrate Marriage; and having ascertained that the members of the said denomination, are respectable and somewhat extensive body, they beg leave to recommend that the privilege which they desire to obtain for their ministers be granted to them, upon the same conditions as the ministers of other denominations.

"Bible Christians" Bill. *Ordered, That Mr. Williams have leave to bring in a Bill to extend the benefit of a certain Act of the Parliament of Upper Canada, therein mentioned, to the ministers of the denomination calling themselves "Bible Christians;" and also to extend the benefit of the said Act to a certain other denomination styling them-*

selves "Christians."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Leslie's Indemnification Bill. — *Ordered, That Mr. Leslie have leave to bring in a Bill to indemnify Anthony Leslie, Inspector of Licenses, for having, in ignorance of the Law, voted at the late Election for the County of Lanark.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Great Western Railroad Bill. — *Ordered, That the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, be committed to a Committee of the whole House, to-morrow.*

Gaspé Administration of Justice Bill. — *Ordered, That the Bill for the better administration of Justice in the General Sessions of the Peace for Gaspé, and to prevent charges upon the Treasury of the Province, for unnecessarily summoning Jurors thereto, as reported by the Select Committee, to which was referred the Magdalen Islands Bill and other References, be committed to a Committee of the whole House, on to-morrow.*

Trafalgar Road Bill. — *Ordered, That the Bill to incorporate certain persons, as "the Trafalgar, Esquesing, and Erin Road Company," as reported by the Standing Committee on Private Bills, be committed to a Committee of the whole House, on Thursday next.*

Niagara and Detroit Rivers Railroad. — *Ordered, That the First Report of the Select Committee on Railroad Bills, upon the Petition of John Prince, Esquire, President of the Niagara and Detroit Rivers Railroad Company and others, freeholders and inhabitants of Upper Canada, be committed to a Committee of the whole House, on to-morrow.*

Dempsey's Relief Bill. — *Ordered, That the Fourth Report of the Standing Committee on Private Bills, upon the Bill to authorize the Courts of Queen's Bench and of Chancery, in Upper Canada, in their discretion to admit John W. Dempsey, to practise as an Attorney and Solicitor therein, together with the said Bill, be committed to a Committee of the whole House, on to-morrow.*

MR. AT. GEN. DRAPER[43] had a motion to submit to the House, which he felt it was his duty to do. The precedent he had endeavored to follow had occurred in the Irish Parliament after the restoration of

Charles II. The Speaker was absent in England with an address to His Majesty, and had not returned at the opening of Parliament. When met, a motion was made in approval of his absence, and the House not wishing to dispense with his services, the Solicitor General was appointed to act in his place, and it appeared that the whole matter had previously been determined on, for after the election, the Usher of the Black Rod appeared at the door and said that the Lords Justices were sitting in the Irish House of Lords, and accordingly the House proceeded there with their new Speaker, who addressed their Lordships, as the report said, "in a neat, appropriate speech, befitting the occasion."[44]

A laugh from MR. LAFONTAINE.[45]

MR. AT. GEN. DRAPER ((resumed:)) And which part of the proceeding he (Mr Draper) had no doubt would not be omitted in the present instance. He should therefore move that the House do present an humble address to His Excellency informing him of the temporary leave of absence which had been granted to Sir A. Macnab, and notifying him that they had chosen another member to preside over them.[46] He concluded that this notification being made, means would be taken, on the part of His Excellency, to meet the House in a becoming manner, in order to have the new Speaker properly introduced to him.[47]

MR. AYLWIN wished to offer a few observations, but he hoped Her Majesty's Attorney General would understand that he had no desire to raise obstacles in the path of the Government. He was simply anxious, that in the circumstances before the House, they should act without reproach, so that if ever a similar painful domestic calamity should unfortunately force a future Speaker to ask the indulgence of the House, that they would be able to find a precedent in the course they were now adopting. For his part, the intelligence had come upon him so suddenly, that he had not been able to turn back to any analogous case, and he must confess that the annals of the Irish Parliament were not an authority he would wish to select, for it was the last place where he would look for anything good. He had unfortunately been absent when the former speaker had requested permission to vacate his seat, and therefore he had been unable to add his word of sympathy. But what he had to remark could perhaps be better said in the absence of that honorable gentleman, for, in his presence he would have hesitated in the selection of his language.[48] It was, that he deemed it his special and particular duty, especially under circumstances which he (Mr. Aylwin) had been placed, and which were known to every hon. member in the House, to express his regret, his deep regret, at the loss which the House had received by the departure of the late Speaker; and, more than all,[49] when he reflected on the painful circumstances which had compelled him to retire, he[50] hoped and believed that every member of the House sympathized with the hon. gentleman as deeply as he did.[51]

(87)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Daly,

Address, informing His Excellency of absence of Mr. Speaker.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, informing His Excellency that this House, upon the application of their Speaker, the Honourable Sir Allan Napier MacNab, Knight, has, for the reasons assigned by him, of an impending severe domestic calamity, granted to him leave of absence from his duties, and have appointed a Member of this House to be their Speaker, until the return of Sir Allan Napier MacNab, their first Speaker.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Orders Postponed.

Ordered, That the Orders of the Day be postponed until to-morrow.[52]

MR. AT. GEN. DRAPER then rose to move the adjournment of the House, but before members separated[53] ((he)) wished to make reference to matters which had already occupied the attention of the House, and which were matters of public notoriety. His object in rising was to perform an act of justice to an hon gentleman[54], who filled a high place in another branch of the Legislature[55], whom he might now, once more in sincerity and truth, designate his honourable friend.[56] It was due to the house, to the hon. gentlemen, and himself, that he should not withhold his present admission. He had to express his regret,[57] that in a former debate[58] when speaking of a certain correspondence which had now become, he might say, famous[59], from ignorance of the whole character of those letters, he had adopted a tone towards that hon. gentleman, that he never would have used, had he been aware of their contents. In justice to himself and[60] desiring, as he did, never unnecessarily to attack an absent man, and especially never to attack him unjustly - and in justice to that honourable gentleman,[61] he would repeat that had he known the facts, the words would never have been uttered.[62] From what he had since seen he (Mr. D.) was convinced that his remarks were unjustifiable, and he took that occasion publicly to declare so[63]. On one other point he would remark, that he had on a former evening dissented from the truth of a statement which appeared in part of the correspondence which had been read that evening,[64] but he had not been clearly understood. He wished to couple it with the assurance, that he felt confident that the hon. gentleman would never have written it had he not believed the statement to have been made,[65] and although he (Mr. Draper) also believefi (sic) that he had not said what was imputed to him, yet the affair occurred in a personal interview, and a misunderstanding might have occurred[66], for he believed him incapable of stating what was not true.[67]

MR. AYLWIN said, that the observations of the honourable member for London were correct, and made in a right spirit; in fact they

were just such as he (Mr. Aylwin) would have made had he been in the position of that hon. gentleman.[68] ((However he)) was sorry that the present occasion had been taken to make any remarks relative to these affairs, as there was no opportunity to debate the question.[69] He should have wished them to have been made at a different time, and under different circumstances. The hon. member for Terrebonne was placed in an extraordinary position.[70]

Hear, hear, and laughter ((from)) MR. J. A. MACDONALD.[71]

MR. AYLWIN:- The hon. member for Kingston might cry hear, but[72] something would be heard and the hon. member for Terrebonne would be heard - when his turn came. He repeated that that hon. gentleman stood in a position which was by no means an enviable one (hear, hear) as far as those were concerned who did not know him, but he (Mr. Aylwin) had known him and had had some experience of him, and he knew the other hon. gentleman to whom allusion had been made,[73] by the member for London[74], and thought he had some experience of him too.[75] He therefore regretted that anything had been said. If it had been said on the morrow, painful as the circumstances might be, he would then feel it his duty to come forward.[76] On a former occasion he had felt it his duty not to open his mouth, and to abstain from giving a vote, and he desired to[77] say nothing under the circumstances of that eveing, but oh! if the disucssion should come up on the succeeding evening, he would feel it his duty to say something, he would feel it his duty to stand up and defend his friend and his colleague.[78] He (Mr. A.) believed his hon. and learned friend for Terrebonne right, and he could not allow any aspersions to be cast upon him.[79] His friend's character was now assailed, and he should therefore speak. He thought the subject should be put off for a day, or at once be discussed.[80] Why did he wish the subject put off? Because if had been the happiest moment of his life when he had that evening led the hon. Speaker to the chair, because he hoped from that moment for better things for the Province and the Empire, and because angry discussion[81] ((and)) the observations of the hon. member had called forth his most painful feelings. If, however, the discussion was publicly brought out, he should take his stand by his hon friend, who he (Mr Aylwin) considered in the right, and[82] ((who)) had been ill-treated, and ill-treated in the worst possible way.[83] He (Mr Aylwin) would say nothing of his own wrongs. His hon. friend from Terrebonne knew to what he alluded, and although he might admit that had he been in the position of the Attorney General he should have adopted a similar course, yet he considered that the discussion ought not to have originated to throw a cloud over the reputation of his hon. friend.[84]

MR. AT. GEN. DRAPER - Explained that he meant to throw no aspersions upon any one, but simply to explain his own remarks on a former occasion.[85] ((He)) wished to do nothing but that act of justice which he conceived was due to his hon. friend[86], to acknowledge his error in censuring an hon. gentleman who was not a member of this

House. He had been most guarded in his language[87], and he was glad that the hon. gentleman who had just spoken concurred with him in thinking he was right to do so[88], and certainly ((he)) had not reflected upon any hon. member.[89] He intended to make no allusions to any person of anything beyond that, and desired that his remarks might be understood in no other light.[90]

MR. AYLWIN hoped that it was understood that the hon. member for Terrebonne was not called upon that night for any explanation, and that no gauntlet had been thrown down to challenge discussion.[91]

MR. AT. GEN. DRAPER assented.[92]

(87)

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Daly,

The House adjourned.

APPENDIX, 13 APRIL 1846.

((NOTICE OF MOTION RE: ADDRESS TO HIS EXCELLENCY FOR COPIES OF CORRESPONDENCE RE: SALE OF CLERGY RESERVES.))

MR. CHALMERS gave notice that he would move to-morrow for an address to His Excellency the Governor General, for copies of all correspondence between His Excellency and the Secretary of State, in reference to the sale of the Clergy Reserves.

Mr. Chalmers said that he felt embarrassed in reference to the notice, and the reason was, that the learned Att. Gen. West, in a conversation a few moments ago, had stated to him that there was no such communication, he might have misunderstood him, and he would assure the Government that he did not wish to embarrass, but nothing would hold him short, from getting the subject before the House.[93]

FOOTNOTES - 13 APRIL 1846.

1. PILOT, 14 April 1846, which noted that during the delivery of the speech "the hon. and learned speaker was much affected; and indeed there was scarcely a member on either side of the House that did not evince deep sympathy with the learned gentleman."
2. The debate on this matter was reported by: LE CANADIEN, 17 April 1846; PILOT, 14 April 1846, whose account was copied by BROCKVILLE RECORDER, 16 April 1846; MONTREAL GAZETTE, 15 April 1846, BRITISH COLONIST, 17 April 1846, COBOURG STAR, 22 April 1846, and LA MINERVE, 16 April 1846, in accounts identical except that LA MINERVE's and the COBOURG STAR's reports are somewhat abbreviated; and KINGSTON NEWS, 16, 20 April 1846. Commentaries are contained in LE JOURNAL DE QUEBEC, 16 April 1846; LE CANADIEN, 20 April 1846; and BRITISH COLONIST, 17, 21 April 1846.
3. PILOT, 14 April 1846.
4. MONTREAL GAZETTE, 15 April 1846.
5. PILOT, 14 April 1846.
6. MONTREAL GAZETTE, 15 April 1846.
7. PILOT, 14 April 1846. MONTREAL GAZETTE, 15 April 1846, noted: "The hon. gentleman sat down much affected."
8. According to PILOT, 14 April 1846, it was Baldwin who seconded the motion.
9. LE CANADIEN, 17 April 1846.
10. MONTREAL GAZETTE, 15 April 1846.
11. KINGSTON NEWS, 20 April 1846.
12. MONTREAL GAZETTE, 15 April 1846. The KINGSTON NEWS, 20 April 1846, reported this segment of the speech as: "A similar case had happened in the English Parliament, when the Speaker had been permitted to absent himself from circumstances affecting his own interest...."
13. MONTREAL GAZETTE, 15 April 1846.
14. PILOT, 14 April 1846.
15. MONTREAL GAZETTE, 15 April 1846.
16. KINGSTON NEWS, 20 April 1846.
17. PILOT, 14 April 1846.
18. MONTREAL GAZETTE, 15 April 1846.
19. PILOT, 14 April 1846.
20. MONTREAL GAZETTE, 15 April 1846.
21. KINGSTON NEWS, 20 April 1846.
22. MONTREAL GAZETTE, 15 April 1846.
23. KINGSTON NEWS, 16 April 1846.
24. MONTREAL GAZETTE, 15 April 1846.
25. IBID.
26. KINGSTON NEWS, 20 April 1846.
27. MONTREAL GAZETTE, 15 April 1846.
28. KINGSTON NEWS, 20 April 1846.
29. PILOT, 14 April 1846.
30. IBID.
31. IBID.

32. MONTREAL GAZETTE, 15 April 1846.
33. PILOT, 14 April 1846.
34. MONTREAL GAZETTE, 15 April 1846.
35. KINGSTON NEWS, 20 April 1846.
36. MONTREAL GAZETTE, 15 April 1846.
37. The MONTREAL GAZETTE, 15 April 1846, noted: "The House then adjourned for about half an hour." KINGSTON NEWS, 20 April 1846, however reported that the adjournment was for an hour.
38. The MONTREAL GAZETTE, 15 April 1846, noted that Mr. Price presented this petition.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. The debate on this matter was reported by: MONTREAL GAZETTE, 15 April 1846, BRITISH COLONIST, 17 April 1846, and LA MINERVE, 16 April 1846, in accounts identical except that LA MINERVE's report was somewhat abbreviated; and KINGSTON NEWS, 20 April 1846.
44. KINGSTON NEWS, 20 April 1846.
45. IBID.
46. IBID.
47. MONTREAL GAZETTE, 15 April 1846.
48. KINGSTON NEWS, 20 April 1846.
49. MONTREAL GAZETTE, 15 April 1846.
50. KINGSTON NEWS, 20 April 1846.
51. MONTREAL GAZETTE, 15 April 1846.
52. The debate on this matter was reported by: PILOT, 14 April 1846, and BROCKVILLE RECORDER, 16 April 1846, in identical accounts; LA MINERVE, 16 April 1846, MONTREAL GAZETTE, 15 April 1846, and BRITISH COLONIST, 17 April 1846 in accounts identical except that LA MINERVE's report was somewhat abbreviated; LE CANADIEN, 17 April 1846, translating an account from MONTREAL HERLAD, and KINGSTON NEWS, 20 April 1846, in accounts identical except that LE CANADIEN omitted certain speakers; and KINGSTON NEWS, 16 April 1846.
53. MONTREAL GAZETTE, 15 April 1846.
54. KINGSTON NEWS, 20 April 1846.
55. PILOT, 14 April 1846.
56. MONTREAL GAZETTE, 15 April 1846.
57. KINGSTON NEWS, 20 April 1846.
58. PILOT, 14 April 1846.
59. MONTREAL GAZETTE, 15 April 1846.
60. KINGSTON NEWS, 20 April 1846.
61. MONTREAL GAZETTE, 15 April 1846.
62. KINGSTON NEWS, 20 April 1846.
63. PILOT, 14 April 1846.
64. MONTREAL GAZETTE, 15 April 1846.
65. KINGSTON NEWS, 20 April 1846.
66. MONTREAL GAZETTE, 15 April 1846.
67. KINGSTON NEWS, 20 April 1846.
68. MONTREAL GAZETTE, 15 April 1846.

69. PILOT, 14 April 1846.
70. KINGSTON NEWS, 20 April 1846.
71. IBID.
72. IBID.
73. MONTREAL GAZETTE, 15 April 1846.
74. KINGSTON NEWS, 20 April 1846.
75. MONTREAL GAZETTE, 15 April 1846.
76. KINGSTON NEWS, 20 April 1846.
77. MONTREAL GAZETTE, 15 April 1846.
78. BRITISH COLONIST, 17 April 1846. This source was used due to the omission of one line in the account of MONTREAL GAZETTE, 15 April 1846.
79. PILOT, 14 April 1846.
80. KINGSTON NEWS, 20 April 1846.
81. MONTREAL GAZETTE, 15 April 1846.
82. KINGSTON NEWS, 20 April 1846.
83. MONTREAL GAZETTE, 15 April 1846.
84. KINGSTON NEWS, 20 April 1846.
85. PILOT, 14 April 1846.
86. MONTREAL GAZETTE, 15 April 1846.
87. PILOT, 14 April 1846.
88. MONTREAL GAZETTE, 15 April 1846.
89. PILOT, 14 April 1846.
90. MONTREAL GAZETTE, 15 April 1846.
91. IBID.
92. IBID.
93. PILOT, 14 April 1846.

TUESDAY, 14 APRIL 1846.

(87)

House attends Administrator of the Government in Legislative Council Chamber.

A MESSAGE from His Excellency, the Administrator of the Government, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

Mr. Speaker,

His Excellency, the Administrator of the Government, desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber,

(88)

And being returned,

Mr. Speaker reported, that when the House did attend His Excellency, the Administrator of the Government, this day, in the Legislative Council Chamber, he had addressed His Excellency as follows, viz:--

MAY IT PLEASE YOUR EXCELLENCY,

Sir A. N. MacNab's absence.

The Legislative Assembly having, upon the application of their Speaker, Sir Allan Napier MacNab, Knight, for the reason assigned by him, of an impending severe domestic calamity, granted to him leave of absence from his duties, I have the honour to state that they have been pleased to appoint me to be their Speaker, until the return of Sir Allan Napier MacNab.

If, in the performance of the important duties thus entrusted to me, I should at any time fall into error, I trust that the fault will be imputed to me alone, and not to the Assembly, whose servant I am; and that while I have the honour to fill this high and important office, nothing may occur to affect or diminish the harmony between the different branches of the Legislature, which has hitherto so happily prevailed.

To which the Honourable the Speaker of the Legislative Council said,

Mr. Speaker,

I am commanded by His Excellency, the Administrator of the Government, to declare to you, that he receives the communication just made by you, with full confidence in the wisdom and judgment of the Assembly, who have thus appointed you to be their Speaker during the absence of Sir Allan Napier MacNab.

Middlesex Election.

Mr. Speaker acquainted the House that he had received the Report of the Commissioners, appointed to take evidence in the matter of the Contested Election for the County of Middlesex.

Supervisor of Cullers. Mr. Speaker laid before the House the accounts of the Supervisor of Cullers to the 31st December, 1845, as required by the Act 8th Vict. cap. 49.

(For the said Accounts see Appendix T.)

Also,

Mechanic's Institute. Statement of Property held by the Mechanic's Institute of Montreal, as required by the Act 8th Vict. cap. 93.

Mechanic's Institute of Montreal, April, 1846.

GENERAL ABSTRACT OF PROPERTY.

Library, 850 Volumes, estimated value	£212	10	0
Scientific Apparatus	58	0	0
Chemical do	35	0	0
Minerals.	60	0	0
Maps, Charts and Drawings	12	10	0
Pamphlets and unbound works	10	0	0
Furniture	75	0	0
Carpets	5	0	0

Certified,

JOHN OSTELL,
President of the
Montreal Mechanics' Institute.
CHS. M'DONALD,
Recording Secretary.

And also,

Banks and Insurance Offices. Statements of the affairs of the Banks and Insurance Offices of the Province, received in conformity to an order of the House of the 31st ultimo.

(For the said Statements, see Appendix U.)

Petitions laid on the table. The following Petitions were severally brought up and laid on the table.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of William Leslie, Senior, and others, members of the United Church of England and Ireland, of the Townships of Moore and Sombra; and the Petition of the Toronto Board of Trade, (relating to the rate of Postage.)

By Mr. Roblin,--The Petition of Samuel Solmes, Esquire, and others, of the District of Prince Edward.

By the Honourable Mr. Robinson,--The Petition of William Gamble and others, of the Home District; the Petition of the Reverend Thomas Smith Kennedy and others, members of the United Church of England and Ireland, in the Townships of Darlington and Clarke, in the Diocese

of Toronto; and the Petition of John Tipping and others, inhabitants of the District of Simcoe.

By the Honourable Mr. Baldwin,--The Petition of Chester Draper and others, of Cartwright, Mariposa, and other Townships; the Petition of Peter Perry and others, inhabitants of Whitby and other Townships; and the Petition of Joseph Gould and others, of the Township of Uxbridge, in the Home District.

By Mr. Thompson,--The Petition of the President, Directors, and Company, of the Gore Bank.

By Mr. Webster,--The Petition of George J. Grange and Thomas Hodgskin, on behalf of a Public Meeting in the Town of Guelph, in the District of Wellington.

By Mr. DeWitt,--The Petition of S. B. Caldwell and others, Leather Manufacturers and Leather Dealers.

Petition of Rev. E. G. Sutton, et al. Referred.

Ordered, That the Petition of the Reverend Edward G. Sutton and others, members of the United Church of England and Ireland, in the Diocese of Quebec, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto.

Report on Petition of Municipal Council, (Niagara.)

Mr. Dickson, from the Select Committee to which was referred the Petition of the Municipal Council of the District of Niagara, (relating to Temperance Houses,) presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee, to which was referred the Petition of the Niagara District Municipal Council, praying that an Act may be passed authorizing the respective District Councils of this Province to pass Bye-Laws for the regulation of Temperance Houses, beg leave to report that, in their opinion, a great necessity exists for some provision being made by law for the regulation of Temperance Houses, the same being very numerous throughout the Province; and as they hold out inducements for all well-disposed persons to frequent the same, your Committee are of opinion, that they ought to be equally required to furnish good and comfortable accommodation as well as persons taking out licenses, that those persons repairing thereto may find those comforts which they ought to receive, and which proprietors of the said Houses ought to be compelled to furnish; and therefore, the said Petition is, by your Committee, recommended to the favourable consideration of the House.

Temperance Houses Bill.

Ordered, That Mr. Dickson have leave to bring in a Bill to enable the District Councils in Upper Canada to regulate Temperance Houses.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Private Bills. *Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Sixth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Vidal's Relief Bill. *Your Committee have examined the Bill to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for a Road across certain lots of land in the Township of Sarnia, in the Western District, now*

(89)

belonging to him, and have agreed to the same without amendment. While thus reporting the Bill in question, your Committee deem themselves called upon to recommend, that the party whose relief is contemplated by it, should be exempted from the usual payment required for Private Bills, in as much as it has in view the rendering legal and valid a transfer of the site of a public road, made bonâ fide by public authorities, the legality of which is questioned.

Bronté Harbour. *Your Committee have considered the Petition of the President and Directors of the Bronté Harbour Company, praying that their Act of incorporation, which expired last year, in consequence of the works not having been completed, may be renewed; and finding that a portion of the capital stock has been subscribed and paid up, and that a substantial Pier has been constructed, they beg leave to recommend that the said prayer be granted.*

Petition of L. Beisang. *Your Committee have also considered the Petition of Lodicarius Beisang and others, complaining of the formalities and expenses to which they are subjected in order to avail themselves of the Alien Act, and praying for the passing of a general law relative to the naturalization of aliens; and your Committee, while they do not consider that the subject of a general law comes legitimately within the scope of their duties, are also of opinion, that they should not proceed further in the consideration of the Petition in question, the Executive Government being the authority to whom the Petitioners should have addressed themselves, and in whom the discretionary power of establishing the formalities complained of, is vested by the Provincial Statute.*

Vidal's Relief Bill. *Ordered, That the sixth Report of the Standing Committee on Private Bills, upon the Bill to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for a Road across certain lots of land in the Township of Sarnia, in the Western District, now belonging to him, be committed to a Committee of the whole House on to-morrow.*

Bankrupt Laws Bill. *Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to*

continue and amend the Bankrupt Laws now in force in this Province. He accordingly presented the said Bill to the House,[1]

MR. AYLWIN begged to say that he should give this bill his most decided opposition. It had been forced upon him, when in the ministry, in a very peculiar manner, and against his own wishes.[2] The Bankrupt Law was an abominable one and ought to be abolished; he was surprised that any Minister would undertake the odious task of perpetuating it.[3]

MR. CAMERON could not agree in a whole sale condemnation of the law; he thought it was often a relief to the honest debtor, and afforded facilities to trade; but he should admit that he had heard universal complaints of the law as it now stood as affording great temptation to roguery[4]. ((He)) objected to some of the workings of the present bill, which were of a kind that made it impossible for any man to continue honest who was exposed to its operation.[5] He, therefore, hoped that the Attorney General's measure would remedy the defects complained of.[6]

MR. AT. GEN. SMITH. - The present law expires this session, and his (the Atty. Genl's) object was not to revive it in its present form. Guarantees against the frauds now complained of would be introduced[7]. Amongst these, the principal were the appointment of official assignees instead of those chosen by creditors, as at present[8], and new regulations would be made respecting the granting of certificates to Bankrupts. At present it was a matter of much doubt and difficulty with the Commissioners to pronounce upon the statements furnished by Bankrupts. Instead of the present mode the Bill then before the House required that proper books of accounts be produced before a certificate would be granted.[9]

MR. MOFFATT thought that the principal evils under the present bill occurred from the inattention of creditors to their own interests.[10]

MR. DEWITT would prefer a new bill altogether; none of the present law should be retained such was its tendency to crime and fraud. As to books, he thought they could be no security. After a man had been white-washed too (sic) or three times it would be easy for him to make books.[11]

MR. LAFONTAINE ((asked a question of Mr. Moffatt.))[12]

MR. MOFFATT, in answer said, that the Board of Trade of Montreal had applied for an alteration of the Bankrupt Law.[13]

MR. LAFONTAINE would remark respecting the printing of the present bill what he often before had occasion to say, viz., that he trusted it would not be delayed till the last hour. No matter to what length the second reading was deferred - whether a week or a month, the Bill never reached the hands of members before the very time they were called upon to discuss it.[14]

(89)
and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

MR. AT. GEN. SMITH[15] - moved that the House go into Committee to adopt a Resolution empowering the Government to re-build the Montreal Court House and to acquire the ground for that purpose[16].

(89)
On motion of the Honourable Mr. Attorney General Smith, seconded by Mr. Solicitor General Taschereau,

Court House, (Montreal.) *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of adopting measures for the rebuilding of a Court House in the City of Montreal, and of acquiring the ground necessary therefor, and of providing the necessary Funds for that object.*

The House accordingly resolved itself into the said Committee.
Mr. Duggan took the Chair of the Committee,

MR. JOHNSTON ((asked a question.))[17]

MR. AT. GEN. SMITH in reply ... stated that it was the intention to raise the necessary funds by increase of tax upon law proceedings as had been done in one instance before by the Parliament of Lower Canada.[18]

MR. AYLWIN - would offer no objection to the general resolution then submitted, but would on the proper occasion, enter upon the question of "ways and means." A tax upon law proceedings was the most odious of all taxes; it was wrung, from the most wretched class of the people. The hon member deprecated at much length the proposed tax as a further infringement on the Union Act acording (sic) to which, the Judiciary in Lower Canada was to remain as before - all expenses attending it having been paid out of the public chest.[19]

MR. LAFONTAINE - asked what was meant by the word "acquiring" in the resolution.[20]

MR. AT. GEN. SMITH - The object of the Government was to acquire ground other than the present site, upon which to erect the new building. The question would come up at the proper time.[21]

MR. BALDWIN - thought that if any difference of opinion existed about a site, it was desirable that the resolution should not be so worded as to pledge the House to any certain course. He would suggest the striking out of the word acquiring, and the substituting of some more general term.[22]

This suggestion was adopted and the resolution accordingly carried.[23]

(89)
and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Duggan reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Message from Legislative Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, to which they desire the concurrence of the Assembly.

Brockville Police (Town Lot) Bill.

"An Act to authorize the Devisees and Trustees of the will of the late Honourable Charles Jones, to convey a Town Lot therein mentioned, to the President and Board of Police of Brockville, for the uses and purposes therein mentioned."

Vanzandt's Relief Bill.

"An Act for the Relief of Juliet Vanzandt, wife of Jacob L. Vanzandt, who claims as sister of half blood of Richard Duncan, late of Williamsburgh, in the Eastern District of the Province."

Gloucester Gore Bill.

"An Act for defining and establishing the course of the side lines of lots in the Gore of the Township of Gloucester, in the District of Dalhousie."

And then he withdrew.

Brockville Police (Town Lot) Bill.

An Engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Devisees and Trustees of the will of the late Honourable Charles Jones, to convey a Town Lot therein mentioned to the President and Board of Police of Brockville, for the uses and purposes therein mentioned," was read for the first time.

Vanzandt's Relief Bill.

An Engrossed Bill from the Legislative Council, intituled, "An Act for the Relief of Juliet Vanzandt, wife of Jacob L. Vanzandt, who claims as Sister of the half blood of Richard Duncan, late of Williamsburgh, in the Eastern District of this Province," was read for the first time.

Gloucester Gore Bill.

An Engrossed Bill from the Legislative Council, intituled, "An Act for defining and establishing the course of the side lines of lots in the Gore of the Township of Gloucester, in the District of Dalhousie," was read for the first time.

MR. INSP. GEN. CAYLEY moved the House into Committee to consider the expediency of amending the law relative to the manner of levying duties upon Spirits.[24]

(89)

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Duty on Stills. *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing the Laws in force relating to duties on Stills, and the method of collecting the same, and of substituting other enactments therefor.*

The House accordingly resolved itself into the said Committee.

Mr. Cauchon took the Chair of the Committee,

MR. INSP. GEN. CAYLEY moved the amendment of laws ((r))elating to duties on still((s)).[25] It was not his intention to go into the subject at the present stage of proceedings. He would content himself by observing that he had two objects in view, the first was[26] to obtain the sanction of the House[27] to provide a more equitable mode than that now in force; and the second was to increase the Revenue. Under the present system the duty was levied upon the capacity of the Still, without relation to its construction except in certain cases, and without respect to how often it was worked, or the quantity which was produced from it. The principle he therefore proposed for the adoption of the House was shifting the duty to the Spirits themselves, so that the Distiller would pay according to the quantity he manufactured.[28] He considered it the more equitable way.[29]

MR. CAMERON said, he was happy to be able to support the motion of the Hon. Inspector General, and he believed it would be productive of both of the objects he had stated he had in view[30]. It was decidedly the more equitable mode to lay the tax on the gallon. It would also[31] raise a considerable revenue from an article which was the most legitimate object of it.[32] He, (Mr. C.) however, hoped there would be no attempt to introduce the English system of excise.[33]

MR. ERMATINGER said, that he was in favor of levying the duty on the capacity of the mash tun, in connection with the gravity of the wash.[34] He considered it the fairest way[35]. One great objection to[36] the method proposed by the Hon. Inspector General[37], was the restrictions that would be necessary to ascertain the quantity of spirit produced[38]; the great((est)) objection was the entailing on the country a system of excise.[39] There would be such difficulty to levy it.[40]

MR. AT. GEN. SMITH said, that it was not intended to introduce anything like a system of excise[41], with its prying at all hours into the Distillers' premises, and its liberty to examine into his books and transactions[42], but of course some restrictions would be necessary; they would, however, be so simple, that there could be no objection to them.[43] ((They would)) ... merely ... provide such necessary security as should enable the Collector to ascertain whether the statements of quantity made by manufacturers and verified on oath, were correct.[44] All these details would be more conveniently dis-

cussed at a future period, and he therefore hoped the House would allow the motion to pass.[45]

MR. WEBSTER. - He considered the proposed system the most equitable[46], ((and he)) was in favor of the proposed change[47]. It, however, could not be carried out without an excise. However, it were far better to fall back on the old system.[48]

The motion was then carried[49].

(89)

and after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Cauchon reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Witnesses Attendance Bill. — *Ordered, That Mr. Solicitor General Taschereau have leave to bring in a Bill to enforce the attendance of witnesses before Magistrates in Lower Canada, in certain cases.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Forgery Bill. — *Ordered, That Mr. Solicitor General Taschereau have leave to bring in a Bill to amend the Law in cases of Forgery.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. Robinson,

Address for Communications, &c., relative to McGill College. — *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased*

(90)

to cause to be laid before this House copies of any Report or other communications made to the Executive by the Royal Institution for the advancement of learning, since last Session of the Provincial Parliament, in reference to the affairs of McGill College. Also, Copies of all correspondence, for the same period, between the Executive and the Secretary of State for the Colonies, and between the former and the Principal or Governors of McGill College, in reference to the affairs of the said College.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

St. Lawrence and Atlantic Railroad Bill.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to amend the Act incorporating the St. Lawrence and Atlantic Railroad Company.

He accordingly presented the said Bill to the House,[50]

MR. MOFFATT introduced a bill to amend the act incorporating the Saint Lawrence and Atlantic Rail Road Company. He said that the bill was merely introduced to amend those portions of the bill of last session, that were adverted to in the despatch from the Colonial Secretary. The first point the 38th clause in reference to Tolls, &c.; and the next in reference to the obstructions of navigable streams.[51]

MR. BALDWIN - He did not intend to oppose the passing of the bill, but we have appointed a committee, they have reported several bills, but the specific objects for which they were appointed are not mentioned. He considered that no rail-way bill should be proceeded with till we have that report.[52]

MR. ROBINSON - As chairman of the Committee, would beg to state, that as the documents are very lengthy, the several members of the committee had not yet had time to look over them. The bills that had been reported however, it was understood, should be subject to whatever might be considered necessary hereafter.[53]

(90)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Leave of Absence.

Ordered, That Malcolm Cameron, Esquire, have leave to absent himself from this House from Saturday next, during the remainder of the Session, on urgent private business.

On motion of Mr. Cauchon, seconded by the Honourable Mr. Baldwin,

Address for Correspondence relative to Joseph Simpson.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause to be laid before this House, copies of any correspondence which may have taken place between the Executive Government and Joseph Simpson, complaining that the Trinity House of Quebec have unjustly refused to give him a certificate of qualification as a Pilot, and also copies of any correspondence between the Government and the said Trinity House, on the same subject.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

MR. CHALMERS[54] moved that an address be presented to His Excellency

for all communications between His Excellency and the Colonial Secretary with respect to the Clergy Reserves.

Mr. Chalmers - said he was placed in an awkward predicament with respect to this important subject. He (Mr. C.) had had the honour of presenting a number of petitions to this House on the subject of the Clergy Reserves; he (Mr. C.) did not know why he had been made the medium of communication with this House, unless it was because kindred spirit mingled together. He (Mr. C.) was intimately acquainted with many of the signers of these petitions, and he thought that their prayer ought to be listened to with attention by this House. He (Mr. C.) did not wish to intrude and to embarrass the Government, but he desired that justice shoul((d)) be done to the people of the country.[55]

(90)

On motion of Mr. Chalmers, seconded by Mr. Williams,

Address for Communications, relative to Clergy Reserves.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause to be laid before this House a copy of any communications which he may have received, from Her Majesty's Secretary of State for the Colonies, relative to suspending the sale of the Clergy Reserves.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Message from His Excellency.

The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Administrator of the Government, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

Clergy Reserve Lands.

CATHCART.

The Administrator of the Government transmits for the information of the Legislative Assembly in reply to their Address of the 7th instant, a copy of a Report of a Committee of the Executive Council, approved by the late Governor General, suggesting certain alterations in the Regulations prescribed by Her Majesty in Council for the sale of the Clergy Reserve Lands.

The Administrator of the Government informs the Legislative Assembly that the Report referred to has been transmitted to Her Majesty's Secretary of State for the Colonies, and is still under the consideration of the Imperial Government.

GOVERNMENT HOUSE,
Montreal, 14th April, 1846.

(Copy.)

Copy of a Report of the Executive Council, dated 17th of September, 1845; approved by His Excellency the Governor General in Council, the same day.

On the Petition of John Armstrong, that the amount of nine years' interest on Clergy Reserve Lot No. 15, in the Third Concession of the Township of Lansdowne, on which he has settled and improved may be remitted.

The Committee have attentively reconsidered the complaint of the Petitioner as well as that of many other individuals who have recently come before Your Excellency with their representations on the subject of the existing Regulations for the sale of the Clergy Reserves.

In order to bring before Your Excellency the particular circumstances of this case, it may be proper to state that under the authority of the Imperial Statute passed in the seventh and eighth years of the Reign of His Majesty King George the Fourth for the sale of the Clergy Reserves in the Provinces of Upper and Lower Canada, His Excellency Sir P. Maitland, the Lieutenant Governor of Upper Canada, by and with the advice of his Executive Council on the 16th day of February 1828, adopted certain Regulations for the disposal of the Clergy Reserves in that Province, the 6th of which directed "that the lots not under lease be disposed of by private sale; the 7th that the lots be payable by instalments as follows: Ten per cent. upon entering into the agreement, and the residue in nine equal annual instalments with interest yearly or at any earlier period at the option of the purchaser." These regulations do not require the occupants of lots not under lease to pay any back interest or rent; and it was during the time that they were in force that the greater number of the complainants went upon these lands and applied for their purchase at the then valuation.

It is well known that a large quantity of the Clergy Reserves was valued by different individuals under the authority of the Government, long prior to the Union of the Provinces, and many persons in possession of these lands so valued, repeatedly made application to the Commissioner of Crown Lands to be allowed to purchase under the Regulations then in existence, but owing to the limited quantity of Clergy Lots at the disposal annually of that officer, and to other causes unknown to the Committee, very many of these applicants were disappointed in their endeavour to become the purchasers up to the beginning of the year 1841, when all sales of the Reserves ceased.

On the 21st of October of that year, in pursuance of the Imperial Act 3 and 4 Victoria chapter 78, an order was passed by Her Majesty in Council for the disposal of the Clergy Lands in this Province, and it was provided by the 9th and 10th Regulations of that order, that Lessees or their Assignees, and occupants of these lands should be entitled for the space of twelve calendar months after the land

should be offered for sale, to become the purchasers, and that all sales shall be for money in hand.

On the 10th of December 1842 Her Majesty in Council was pleased to rescind the above Regulations in order that the agent for the sale of these lands shall allow the privilege of pre-emption to Lessees or their Assignees and to occupants, and that in case of any sales to Lessees or their Assignees or occupants interest upon the purchase money at the rate of six per cent. per annum, shall be added thereto from the time the leases of such lands expired, or from the time of occupation as reported by the Inspectors.

It was also ordered by these last Regulations, that a credit of part of the purchase money shall be given; that is to say that two-sixths of the purchase money shall be paid in hand, and the remaining four-sixths, in four equal annual instalments, with interest at the rate of six per cent.

The Committee understand by the Petitions before them, that the Lessees whose leases have expired, and the occupants of Clergy Lots, are dissatisfied with the terms upon which the lands are now offered for sale because they are less favourable than the Regulations which existed when they took possession, and were led to expect the privilege of becoming purchasers of their respective lots, and also because they are required to pay the full amount of the purchase money within the period of four instead of ten years. They complain of the charge of back interest on the present valuation of the lands, and allege that had they been permitted to purchase at the former valuation, and under the old regualtions, their condition would have been greatly preferable, as the uncertainty in which they have been kept has tended to unsettle their minds and retard their improvements. Besides which it is stated, that the present valuation exceeds in many instances the accumulated principal and interest of the former valuation.

Taking into consideration the whole of the circumstances of this very important and perplexing question, the Committee are disposed to advise Your Excellency to recommend to Her Majesty to rescind the ninth and tenth Regulations of Her Majesty's Order of the 10th December 1842, and to substitute the following:--

Ninth. That when any of the said Clergy Reserve Lands shall be offered for sale, which have been leased, the leases of which have expired, and the rent remaining unpaid, or which have been occupied without authority prior to the 1st day of January 1841, the agent for the sale of such Clergy Reserves shall allow privilege of pre-emption to such Lessees or their Assignees and to the said occupants. And, that in case of any sales to such Lessees or occupants, the parties in possession shall furnish to the Agent or the Collector of Clergy Rents, an affidavit from two neighbours shewing the period of occupancy and the nature and extent of the improvements made, and the said Agent for the collection of the Rents, shall be authorised to arrange the amount to be paid, at the customary rent of leased lots, such arrangement to be subject to revision and modification in particular cases by the Governor General in Council.

Tenth. That the said Clergy Reserve Lands shall be sold on the

following terms, that is to say:--One-tenth of the purchase money to be paid in hand, and the remaining nine-tenths in nine equal instalments, payable on the first day of January in each year, with interest at the rate of six per cent. per annum,--the first of the said instalments to fall due and be payable on the first day of January next ensuing after any such sale. Provided always, that the purchaser or purchasers shall be at liberty to pay the whole purchase money or any instalment or instalments, with interest to the day of payment in anticipation of the same becoming due.

Fifteenth. That the privilege of pre-emption granted by the ninth Regulation to Lessees and their Assignees, whose leases expired previous to the first day of January 1841, and also to occupants of Clergy Lots without authority prior to the same date, shall not be considered to extend to such Lessees or their Assignees, or to such occupants as do not on or before the first day of January 1847 make application to the Commissioner of Crown Lands, for the purchase of the Clergy Lots which they respectively occupy, and who do not on or before that day, pay to the Agent for the collection of rents, all rents which may be due, according to the ninth Regulation of this date.

Sixteenth. That no person who may without authority after the first day of January 1846, enter upon or possess himself of any Clergy Lot, shall be regarded as having any claim to pre-emption as the purchaser, and the Commissioner of Crown Lands shall not deal with any such occupant as being entitled to any consideration, by reason of his having so entered upon any Clergy Lot.

The Committee would humbly advise your Excellency to represent to Her Majesty's Principal Secretary of State for the Colonies, the probability of a greater quantity of Clergy Reserves being applied for by purchasers, during the year 1846, than one hundred thousand acres, and soliciting his approbation of sales being made by the Commissioner of Crown Lands to a greater extent, if necessary.

Certified.

(Signed,) E. PARENT.

Message and Report to be Printed. — Ordered, That the said Message, together with the Minute of the Executive Council, accompanying the same, be printed for the use of the Members of this House.[56]

Leave of Absence. — Ordered, That John Prince, have leave to absent himself from this House, from Saturday next, during the remainder of the Session, on urgent private business.

On motion of Mr. Lantier, seconded by Mr. Méthot,

Address relative to Cascades Plank Road. — Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause to be laid before this House, a

Statement showing the different Tenders offered and made for the lease of the Tolls on the Cascades Plank Road during the current year; the dates of all such tenders, by whom they were made, at what amount or price, and to whom and when the Tolls on the Cascades Plank Road were let for the current year, commenced since the spring of 1845.

Ordered, That the said Address be presented to His Excellency the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Wolfe Island Railroad Bill. *Ordered, That Mr. Macdonald of Kingston, have leave to bring in a Bill to incorporate "the Wolfe Island, Kingston and Toronto Railroad Company."*

He accordingly presented the said Bill to the House.[57]

MR. AYLWIN - hoped that the House would not allow any bills for the establishment of any Rail-road to be introduced until the Committee appointed on Railroads had made a report, laying before the House such rules and regulations as the Committee might consider proper for the government of Railroads generally[58], of the same character as in England.[59]

MR. ROBINSON - stated that the Committee would probably be prepared to report to-morrow, that he did not consider that it was necessary to wait for the Report of the Committee as care would be taken that any bill now passed, would contain clauses subjecting it to any rules or regulations that might be reported by the Committee, and that they should not obstruct the introduction of any bill at present.[60]

MR. AYLWIN - he was not desirous of obstructing the introduction of the hon. member for Kingston's measure into the House; but he objected to anything further being done until the report of the Committee be had.[61]

MR. HALL - there are nine hundred lines of railroads applied for in England, and there is plenty of money in that country to carry these schemes into effect; but it was different in Canada, and he (Mr. H.) thought that the House ought not to be too stringent in their rules with respect to rail-roads in this country, but ought rather to encourage them by every means in their power.[62]

MR. SOL. GEN. SHERWOOD said, that the Railroad Committee were preparing some regulations which would be speedily reported to the House.[63] ((He)) concurred in many of the remarks of the hon. member for Quebec, (Mr. Aylwin) but he went too far, when he asked us to follow the example of England in every respect in relation to railroads, for we are in different circumstances to what they are in England; there money is abundant, and so anxious are capitalists to invest their money in railway schemes, that £17,000,000 have been placed in the hands of the Accountant General of England as a deposit,

on account of new railway projects[64]. In that country there was a mania for Railroads, a mania which prevented the investment of capital in other objects of speculation[65], and it has been found impossible to obtain money for the ordinary purposes of trade.... In consequence of this state of things the Parliament of Great Britain had been found to interfere and to make stringent rules and regulations with respect to these railroads[66], proceedings which threatened to seriously affect the Commercial prosperity of the country. No greater argument in favor of the necessity of such restrictive enactments in that country need be adduced than that at the present time upward of £10,000,000 were deposited upon Charters not yet granted.[67] Many of these regulations are inapplicable to our situation, but others might with good effect, be put in force in this country; such as obliging the railroad companies to carry the mails, settling the amount that is to be paid them for their services, by arbitration &c.[68] In this country the circumstances were very different, the difficulty was not here to restrain speculation, but to get capitalists to have anything to do with Railroads.[69] We have granted charters in Upper Canada which have remained up to this time almost a dead letter[70] on the Statute Book. At length a different disposition began to be manifested[71], two[72] or three companies[73] have lately had the amount of their stock subscribed, and would likely soon go into operation.[74] It was indispensable that the Provincial Legislature should not make any too stringent enactments. There was also another consideration which the House should not lose sight of and that was the security of the interests of those who might invest their capital in these works[75]. The greatest caution ought to be exercised by the House, that when a charter for a railroad has been granted, and capitalists have invested their money in it, that another should not be granted for a line to run parallel with the first railroad, for if they act thus, British capitalists would have no security[76]. Public confidence would be shaken[77], ((and)) it would make ... ((them)) careful how they invested money in speculations which might perhaps be entered into competition with, almost before they began to be put in operation.[78] They would not be inclined to invest their money in a country where their rights were not protected. This was a consideration of vast importance. The present bill proposes to give a charter where none already exists, and he (Mr. S.) thought there could not possibly be any objection to its passing. The general regulations which may hereafter be reported by the Committee and agreed to by the House, may be inserted in this and other railroad bills before they pass the House.[79]

MR. MOFFATT said the report of the committee on public rail roads would merely contain a list of such clauses as they thought should be introduced into every bill, and which would be afterwards embodied in a bill, for the purpose of shortening the other bills[80]. ((He)) objected to the principle advocated by Mr. Sherwood[81]. The House ought to be very careful how it induced capitalists to enter into speculations here[82]. He trusted ... ((it)) would be cautious of allowing any roads exclusive privileges, so that parties laying out money on any road could not come to the House and say, we thought you

would not allow any parallel road to be made, or we would not have invested our money in it.[83] This Government should let the capitalists of England know that it would in no case allow them a monopoly.[84] He (Mr. M.) would grant a charter for every Road, and[85] the English capitalist ought to look into the matter himself, and judge whether it would answer his purpose as a profitable investment before he embarked in (sic) it.[86]

MR. CAMERON said, with all due respect to the hon. member for Montreal, (Mr. Moffatt,) he (Mr. C.) considered his arguments most extraordinary, for could British capitalists foresee what course that House would pursue. And after they had embarked their capital on the faith of a Charter from that House, another charter might, on the hon. member's argument, be granted for a line to run parallel with the former one. That was not the practice in either England or France.[87] ((He)) thought the same rule should be adopted in Canada as prevailed in England, France, and the United States, which was, to direct the capital of the country into the most advantageous channels, and to admit of no competition which would be injurious to the earlier speculators.[88] He (Mr. C.) complained of the railway committee reporting in favour of the Niagara and Detroit Railway before they had received answers from the head of the military department to communications which had been addressed to him in respect to that rail road. Would the House, if it had granted a charter for a rail raod from Montreal to Kingston, grant one also for a short line from Montreal to Lachine?[89]

MR. MOFFATT - Certainly.[90]

MR. CAMERON - They would not do justice, then; and they would certainly defeat the general scheme, if they granted charters for short-paying lines.[91]

MR. MERRITT said, the member for Lanark had not been able to answer the arguments of the hon member for Montreal, for they were unanswerable. Surely the House was not prepared, in this country, and at this time, to create monopolies, when in England they were discountenanced. That great statesmen, Sir Robert Peel, stated in his place in the House of Commons, that those who had embarked their capital in rail roads that had cost £60,000 a mile could not complain if they had to compete with those that now cost only £4,000 a mile. Would hon. members oppose this road because it was connected with an American one, although the Great Western was connected with the same point?[92]

MR. HALL - Would the hon. member for Lincoln grant leave to the Americans to build another canal ten feet from the Welland Canal?[93]

MR. MERRITT - Certainly; for it would lower the tolls, and benefit the country.[94]

(91)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address for Statement of Timber Licenser.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to cause to be laid before this House, a Statement of all Licences for cutting Timber upon the Crown Lands in the County of Saguenay, containing the names of the parties to whom such Licences have been issued.

(92)

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. AYLWIN[95] moved for an Address to His Excellency for information of all location tickets granted and mining rights given to parties, to work the mines on Lake Superior, with the names of the applicants, &c. The hon. gentleman said in explanation that he had been informed[96], whether correctly or not, he could not say, that the Government had granted[97] large tracts of land 21 miles square he was told, to those who explored the same, and rights to make mines and extract copper ore therefrom[98], on this understanding that they should survey the country at their own expense[99]. If the Government had done this, if it had granted the public lands, and given a preference to certain individuals, which he and every inhabitant of this Province could not obtain, they had done that which they had no right to do[100]. They have committed an injustice to him, yes and to the whole of Canada[101], and he would impeach them. (Laughter.)[102] If ((it were)) not ... ((true)) he should be most happy to hear it, and it would be a pity so much time should be lost. He would, however, declare that he would sift the matter out, and would ascertain whether any person had been so favoured as to be allowed to obtain rights of preference, merely because they had explored a track at their own expense. He would know - he would learn - he would be told - he would know every name[103]. (Laughter.) He would know every applicant.[104]

MR. MOFFATT: Yes.[105]

MR. AYLWIN ((resumed:)) The hon. member for Montreal said yes - he had heard that that hon. gentleman had been an applicant. He had never spoken of that hon. member except in the terms of respect which were due to his public or private character, but he had understood that that gentleman had applied for certain grants, which, he dared say, would be readily obtained, considering the position in which he stood to government. He had also heard the hon. member for Essex mentioned as one of the parties who had made these applications.[106] If this region contained the mineral wealth it has been represented to do, it was the duty of the Government to have it surveyed, and to grant it in such a manner as would be most advantageous to the revenue of the Province, having respect also to private interests.[107] He was

determined that there should be no jobbing about it, but that it should be put up to public competition.[108] The hon. gentleman then repeated the former part of his speech[109].

MR. AT. GEN. SMITH said that the hon. gentleman had put himself to a great deal of unnecessary trouble, and wasted a large amount of virtuous indignation to no purpose, as the Government intended to offer no opposition to his motion, but would give him all the information sought for.[110]

COL. PRINCE. - If the hon. member had contented himself, with merely making the motion, and not alluded to him[111] so pointedly[112] by name, he would not have spoken on the present occasion, as there was no disposition on the part of the Government to refuse any information on this subject. He (Mr. P.) was astonished that a person so well skilled in parliamentary practice, and in proceedings before courts of law, as his hon. friend (Mr. Aylwin) should have allowed himself to have been led astray by the chimeras of his brain.[113] Some kind friend had evidently pulled the wool over the hon. gentleman's eyes, and he really believed he had found a mare's nest.[114] He (Mr. P.) would endeavour to remove ... ((that wool)) and the sand that has been cast into them by other individuals[115]. He would take the opportunity to enlighten him upon a subject of which he evidently knew nothing.[116] He perfectly agreed with him that the Government had no right to show partiality to[117] one part of Her Majesty's subjects over another; but he did think that it was their duty[118] to give a greater encouragement to those who were more enterprising than their fellows[119], that the hidden resources of the country might be developed.[120] Such was the principle which guided the Commissioners of Woods and Forests in making grants of mighty privileges upon the Crown Lands in England.[121] ((He)) would ... ((now)) set him right as to the erroneous opinion he appeared to entertain on the right of the government to grant privileges to discoverers of mineral treasures. In fact her Majesty never had any difficulty about granting a lease not for twenty-one years only, but even for ninety-nine years, to such discoverers. Take the forest of Dean as an example of a mineral tract in England.[122] ((It was a)) great Mining District where his (Col. Prince's) grandfather was a Lessee under the Crown, ((and where)) the leases were granted to the discoverers of mines for 99 years.[123] That part of the country was hollowed out with coal mines, over which the husbandman conducted his agricultural labours. Now, if a man discovered a mine in that part of the country, what steps did he take to reap the benefit of it? He went to the office of woods and forests[124], memorialized the Crown, and after certain formalities[125] obtained a right to work it for as many years as his or her Majesty pleased, paying a royalty of twelve per cent[126] on the profits of the same. As regarded the grants which it was said had been made in Canada when the facts were known it would be found that no great favor had been given, or any great preference or partiality shown to those who had had liberty granted them upon discovering a mine to work

it at their own expense, and to expend thousands upon thousands of pounds to develope (sic) the riches and resources of the country.[127] He would now briefly mention the facts with relation to the country about Lake Superior. They were these: - In 1841 a few enterprising individuals, eight countrymen of his own - Britons - and three Americans, joined their forces to explore the northern shores of Lake Superior[128], in search of[129] ((the)) great mineral treasures[130], which they had reason to believe existed there, and to obtain a knowledge of the Fisheries which were represented to be valuable.[131] A petition was entrusted to his charge, which he duly presented to the Upper Canadian legislature[132], for an Act of Incorporation to work the mines and carry on fisheries on the North Bank of Lake Superior.[133] Upon speaking to some members of the house on the subject, however, they thought it so utopian a scheme that, in tenderness to himself, they said, "We will save you from your friends, (for his name was one of those appended to the petition,) and will throw out your bill." There the matter rested on the Canadian side[134]. But his[135] American[136] friends whose enterprise was not cramped by that spirit of inactivity which too much distinguishes this Colony[137], did not sleep upon it; they[138] pushed on and soon discovered that the South Bank of Lake Superior also contained great mineral wealth, and the consequence was that in 3 or 4 years they had made[139] large fortunes by the works they had undertaken. In August last, he was again applied to, and pressed by several friends to undertake the matter once more. In accordance with their views he came down to Montreal[140] to endeavor to awaken the enterprize of the Government, and to effect some arrangements for carrying on mining operations. He stated his views to the members of Government, and received some encouragement, but there the matter rested so far as grants or locations were concerned.[141] With respect to the copper mines[142], the only benefit which had been accorded[143] himself and his friends[144] ((was that they)) had been graciously permitted, under the great Seal of the Province[145], to spend their money in exploring the inhospitable shores of Lake Superior, where they had no other pillow but the bare earth, and no canopy but the starry sky. That was the whole privilege granted, with one exception - no doubt a great infringement of the rights of the subject; it was this - that[146], if we did discover a mine, we were to have the liberty of working it at our own expense, upon such terms as the Government might see fit to impose. He (Mr. P.) did not thank the Administration for these favours, for[147] at present the speculation had turned out anything but profitable to those who had embarked in it. One thing only was certain on that point; it was that himself and his friends had spent upwards of £500 since August last, in these explorations, which had made by very eminent geologists. Four reports had been prepared of their researches, and had been sent to government, and he had brought down specimens with him, so that every possible means had been taken to make known the resources of the country. He had said that hitherto these proceedings had been unprofitable. Among the persons who had undertaken them, however - for there were many

persons who had obtained permission to carry them on - there were one or two who had derived advantage from them. These were parties who had obtained the licenses, not for the purpose of making use of them in exploring, but to hawk them about the streets of Detroit, where they sold some of them to Americans, who considered them valuable on account of the broad seal of the Province, and the signature, "Metcalfe," which appeared upon them.[148] If the people of Canada had half the enterprise of the Americans, many of them would have gone into the region possessed of mineral wealth, and squatted there, without the permission of the Government. Large fortunes have been made from the cepper (sic) mines on the southern shore of Lake Superior, while our mineral wealth lies dormant.[149] He believed it was the intention of the Government to send up the Provincial Geologist to this region, and to mark out lots one mile in breadth and five deep, a quantity which no enterprising individual would care to accept. About 25 of these licenses were granted.[150] He thought that the men who had undertaken to bring to light the resources of the country, instead of having reflection cast upon them, deserved the thanks of the colony. It was people who would do so, who alone could take away the reproach so frequently thrown out against the Canadians, by the people of the other side, that their sluggishness was so great that it would be necessary to root them out, to make room for more active men. For his own part[151], he (Mr. P.) would repeat what he stated in moving the address to His Excellency in answer to the speech from the Throne, that a government to be strong[152], ((and)) popular[153], must be liberal to those who are willing to develope (sic) the resources[154] ((and)) material prosperity of the country.[155]

(92)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Address for Statement of Location Tickets.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to cause to be laid before this House, a Statement of all Location Tickets for occupation of Lands for mining purposes in that part of this Province which heretofore constituted the Province of Upper Canada, and the names of the parties to whom the same have been given.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Government Roads Bill.

Ordered, That Mr. Sherwood of Brockville, have leave to bring in a Bill to prevent the opening of Government allowances for Roads, without an order from the Municipal Council of the District in which the said allowances are situated.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

On motion of Mr. Chabot, seconded by the Honourable Mr. Aylwin,

Address for Correspondence relative to Quebec Trinity House.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to communicate to this House, a copy of all correspondences which have taken place between the Executive Government and the Quebec Trinity House and the Quebec Corporation, concerning the place called "Cul de Sac" in the City of Quebec, from the 1st January, 1840, up to this date.

Ordered, That the said Address be presented to His Excellency the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Commissioners Courts Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend an Act therein mentioned, and to allow certain Fees to Advocates appearing in cases before Commissioners Courts, in the Towns of Quebec, Montreal, and Three Rivers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday the twenty-second instant.

Montreal and Lachine Railroad Bill.

Ordered, That Mr. Macdonald of Kingston, have leave to bring in a Bill to incorporate "the Montreal and Lachine Railroad Company."

He accordingly presented the said Bill to the House,

MR. AYLWIN stated his intentions to oppose the measure as one of those coming under the observations which had been made by the hon. Solicitor-General on a previous occasion that evening.[156]

(92)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Colville, seconded by Mr. Brooks,

Huntingdon Plank Road.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the propriety of incorporating "the Huntingdon Plank Road Company."

The House accordingly resolved itself into the said Committee.

Mr. Murney took the Chair of the Committee, and after some time spent therein;

Mr. Speaker resumed the Chair.

And Mr. Murney reported that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Notarial Profession Bill, (L.C.)

Ordered, That Mr. Laurin have leave to bring in a Bill for the better regulation of the Notarial profession in Lower Canada.

He accordingly presented the said Bill to the House, and the same was

received and read for the first time, and ordered to be read a second time to-morrow.

Supervisor of Cullers Accounts to be Printed. — *Ordered, That the Accounts of the Supervisor of Cullers, to the 31st December, 1845, laid before the House this day, be printed for the use of the Members of this House.*

Montreal Turnpike Roads. — *Ordered, That the Select Committee, to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine road, and other references, have leave to report from time to time.*

M. CHAUVEAU[157] fait motion pour l'impression de la requête du Révd. George Lemoine et autres habitans du comté de Québec, demandant que le gouvernement achète le pont Dorchester sur la rivière St. Charles et le mette sous le contrôle des syndics des chemins à barrières d'après les dispositions de la 8e. vict. chap. 55.[158]

Toute instruction lui étant enlevée sur ce sujet, et n'ayant pas même pu d'après les règles parlementaires commenter la réponse défavorable donnée par le procureur-général à la demande contenue dans cette requête, M. Chauveau a recouru à cette motion pour donner publicité à ce qu'il considère une criante injustice comise (sic) envers ses constituans. Ce que demandaient les pétitionaires (sic) n'était pas une faveur, c'était un simple acte de justice.

Des lettres patentes en date du 22 avril 1789 accordaient à Nathaniel Taylor et autres un privilège exclusif pour un pont sur la rivière St. Charles; ce privilège accordé pour l'espace de 50 années est maintenant expiré, mais diverses ordonnances et statuts du Bas-Canada en accordant ce privilège en faveur de MM. Smith et Anderson, et particulièrement la 59e Geo. 3, ch. 28, ont pourvu à ce que le gouvernement achetât à l'expiration des 50 années le pont tel qu'il se trouverait alors. On en a conclu que le privilège ne serait réellement expiré que lorsque le pont aurait été acheté. Cette objection a été faite à une requête la part des citoyens de Québec demandant la permission de construire un pont libre sur la rivière St. Charles. Le comité de cette chambre auquel fut référé cette requête l'année dernière n'a pu prendre sur lui de décider cette question, le seul moyen, le plus juste envers tout le monde, le plus expéditif, celui qui mettrait fin à toute litigation, celui que la loi indique pour se tirer de cette difficulté, c'est l'acquisition du pont par la province. C'est tout ce que demandent les pétitionnaires: il n'y aurait rien de surprenant, ni assurément, rien de trop exigeant de leur part s'ils demandaient la construction d'un ou de plusieurs ponts pas le bureau des travaux publics sur la rivière St. Charles. Le bureau des travaux publics a construit des ponts et pratiqué des chemins dans tous les coins les plus obscurs du Haut-Canada; on a fait à même les deniers provinciaux, dans le seul district des Trois-Rivières, cinq grands ponts qui ont coûté des sommes énormes, il n'y a aucune raison de ne pas en faire autant à Québec, mais nous ne

demandons pas même que l'on fasse pour nous ce que l'on fait pour les autres: nous demandons seulement qu'on nous laisse faire. La législature a jugé à propos d'établir un monopole sur une rivière qui coule auprès et qui j'espère beintôt coulera au milieu d'une grande ville: nous lui demandons qu'elle rachète ce monopole. Le simple bon sens, la simple équité, lui en feraient un devoir; quand même les dispositions de cinq ou six statuts ne le prescriraient point. Cependant la réponse que nous donne l'administration après avoir été interpellée plusieurs fois cette année et l'année dernière, après avoir pendant deux ans pris le sujet dans sa très sérieuse considération, c'est que l'état des finances ne lui permet point d'accorder cette demande cette année.

L'état des finances! Et qui la (sic) fait cet état des finances? qui a jeté les trois quarts des revenus du pays dans ce canal de Welland, par lequel il semble que tout le trésor public doit passer? l'administration a-t-elle bonne grâce à se défendre sur l'état des finances, lorsqu'elle est prête à recommander un vote d'une centaine de mille louis pour l'érection d'édifices publics à Montréal; lorsqu'elle trouve de pareilles sommes, ne pourrait-elle par trouver cinq ou six mille louis, non pas pour faire un présent, mais pour acquitter une dette contractée, il y a plus d'un demi siècle envers les habitans de mon comté?

Il y a dans cette chambre un hon. membre dont le comté porte le nom du pont en question. Cet hon. membre n'est pas précisement dans le cabinet; mais il est auprès du cabinet. Dans la fameuse adresse de cet hon. membre à ses électeurs, il était question de grandes améliorations, dans le district de Québec, si longtemps négligé. (Ecoutez!) Si longtemps négligé, était le mot. Assurément que l'hon. membre nous donne pour commencer une bel exemple de la grande influence qu'il devait exercer en faveur de ce pauvre district de Québec, si longtemps négligé! (écoutez! écoutez!)

Le grief dont se plaignent les habitans du comté de Québec ne serait supporté patiemment par aucune autre localité dans la province. Les taux sur le pont Dorchester sont exhorbitans; joints au péage de la barrière, et au péage des autres ponts ils forment pour les habitans de la côte du Nord, un impôt de cinquante pour cent, sur les produits agricoles qu'ils vendent à la ville. Un habitant de St. Joachim par exemple a un écu de péage à payer pour venir à Québec; bien souvent ce qu'il apporterait au marché ne se vendrait qu'une ou deux piastres. La conséquence est qu'il reste chez lui. Les taux des deux ponts et de la barrière pour les habitans de l'Ange-Gardien, dans le comté de Montmorency, s'élève (sic) à quarante sous; sur un voyage de chaux qui se vend trois chelins, et 5d. au plus, on vote que c'est cinquante pour cent, et au moins trente pour cent, même pour un habitant de Beauport; dix-huit sous ou un chelin de péage est encore beacoup plus qu'il ne faudrait.

M. Chauveau termine en disant qu'il a fait son devoir envers ses constituans, en exposant les faits tels qu'ils sont devant la chambre. Il laissera le pays juger de la justice que l'on rend au comté de

Québec, surtout lorsqu'on compare la modicité de sa demande avec les milliers de louis dépensés chaque année dans les autres parties de la province.[159]

M. AYLWIN. - Je concours entièrement, M. l'orateur, dans les remarques que vient de faire mon hon. ami qui représente le comté de Québec. Nous avons encore eu ce soir une exemple de la manière dont est traité la partie du pays que nous habitons.

Je me trouve singulièrement situé au sujet de cette affaire du Pont Dorchester. J'ai eu occasion, comme avocat, de soutenir les droits de MM. Smith et Anderson. J'entretiens aujourd'hui, comme membre de cette chambre, la même opinion légale que j'entretenais alors. Je crois qu'il serait souverainement injuste de priver les propriétaires du pont du privilège qui leur a été accordé. Mais je suis autorisé à déclarer de la part de MM. Smith et Anderson, que bien loin de s'opposer à l'extinction du monopole créé en leur faveur, ils sont prêt à se conformer à la clause du statut qui a rapport à cet objet. Ils seront satisfaits de tout arbitrage que le gouvernement voudra indiquer; ils sont prêts à s'en rapporter à quelque tribunal que ce soit dans ce pays pour la liquidation de leurs droits. Bien loin de mettre des obstacles à ce qu'ils considèrent un acte de justice envers leurs concitoyens, ils faciliteront le règlement de cette affaire de tout leur pouvoir.

L'administration ne devrait-elle pas avoir honte de refuser au comté de Québec une aussi mince allocation que celle qui lui est demandée; surtout quand on songe au gaspillage qui se fait tous les jours pour des objets d'une bien moindre importance! Quoi, la petite ville des Trois-Rivières, le petit bourg des Trois-Rivières, que représente l'hon. président du conseil, a eu des ponts tant qu'il en a voulu; ces ponts ont été deux fois brisés et emportés par la glace, et on les a rebâtis chaque fois à une dépense énorme; on a dépensé beaucoup plus que ne vaut la ville des Trois-Rivières elle-même; et pour une ville comme Québec, le bureau des travaux publics, ne construira pas un seul pont, pour qu'elle puisse communiquer avec les campagnes qui l'environnent? Il est vrai que la petite ville des Trois-Rivières a toujours été heureuse dans le choix de ses représentans; avant l'hon. président du conseil, c'était l'hon. procureur-général d'alors, qui alors tenait l'hon. président du conseil sous les verroux, et dépensait tout l'argent qu'il pouvait pour son bourg-pourri.[160]

M. L'ORATEUR, M. MORIN, ((a)) appelé ((M. Aylwin)) à l'ordre.[161]

M. AYLWIN ((a continué:)) Je me soumets volontiers, M. l'orateur à votre décision, et pour me résumer je dois ajouter que la conduite de l'administration dans cette circonstance est tout ce que l'on peut imaginer de plus honteux et de plus scandaleux. Lorsqu'on se rappelle ce qui a été dit l'année dernière à l'hon. membre pour le comté de Rimouski, on voit que c'est un parti pris chez l'administration de tout refuser aux comtés qui sont représentés par des membres de l'opposition. Si c'est là ce qu'on entend par gouvernement responsable,

c'est le système le plus corrompu et le plus corrupteur qu'on puisse imaginer (très bien! très bien!)

Les honorables membres qui siègent sur les bancs ministériels devraient rougir d'une pareille corruption; surtout un de ces honorables membres. Je fais allusions à un honorable membre qui n'a encore rien dit dans cette chambre, mais qui a beaucoup entendu (écoutez! écoutez!) Quant à l'honorable président du conseil, je ne lui conseille pas de venir à Québec de sitôt, je ne lui conseille pas surtout de venir passer sur le pont Dorchester....[162]

-Pourquoi?[163]

M. AYLWIN ((continua:)) -Pourquoi? (attention marquée.) Pourquoi, demandent les honorables membres.... Parce qu'il lui faudra payer pour passer! (Rires prolongés.)[164]

M. GOWAN et ... ((le)) COL. PRINCE ... dirent que l'on payait sur tous les chemins et les ponts dans le Haut-Canada; qu'il fallait bien payer pour avoir de beaux chemins[165].

((On a)) répondu que l'on payait encore beaucoup plus cher à Québec pour en avoir de mauvais[166].

(92)

Petition of Rev. G. L. Lemoine Printed. — *Ordered, That three hundred copies of the Petition of the Reverend George L. LeMoine and others, of the County of Quebec, be printed for the use of the members of this House.*

Hastings Titles Bill. — *The Order of the Day for the second reading of the Bill to remedy certain defects in the registration of titles in the County of Hastings, in Upper Canada, being read;*

In the course of a short discussion which arose on this subject, ... MR. AT. GEN. DRAPER and MR. MURNEY ((spoke)).[167]

(92)

The said Bill was accordingly read and committed to a Committee of the whole House on Friday next.

Supply to Her Majesty. — *The Order of the Day for the House in Committee to consider of the Supply granted to Her Majesty, being read;*[168]

MR. INSP. GEN. CAYLEY ((moved the House into Committee of the Whole)).[169]

(92)

The House accordingly resolved itself into the said Committee. Mr. Colville took the Chair of the Committee,

MR. INSP. GEN. CAYLEY said it was not his intention to make any demand now for any special purpose, but merely to move a resolution

that it is expedient that a supply be granted to Her Majesty, and then to move that the Committee rise, report progress, and ask leave to sit again.[170]

MR. AYLWIN hoped that the members would take into consideration what had been said at the Free Trade meeting the other day, so that when the question came to be discussed in the house, they might be well prepared upon the subject.[171]

The resolution that a supply be granted to Her Majesty was then carried.[172]

(92)

and after some time spent therein;

Mr. Speaker resumed the Chair.

And Mr. Colville reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

Huron Rates and Taxes Bill. — *The Order of the Day for the second reading of the Bill to provide for the recovery of the Rates or Taxes intended to be imposed by certain By-Laws of the District Council of the District of Huron, being read;*

The said Bill was accordingly read, and ordered to be Engrossed.

School Bill, (U. C.) — *The Order of the Day for the House in Committee on the Bill for the better establishment and maintenance of Common Schools in Upper Canada, being read;*[173]

MR. AT. GEN. DRAPER, seconded by MR. AT. GEN. (sic) SHERWOOD ((moved that the House resolve itself into Committee of the Whole.))[174]

(92)

The House accordingly resolved itself into the said Committee.

Mr. Chabot took the Chair of the Committee.

MR. AT. GEN. DRAPER stated that he would not speak at length now on the bill, but would offer explanations on each clause as it was brought before the Committee; the bill was to a great extent founded upon the present act; the greatest change contemplated by the bill now before the House, was to do away with the Office of Township Superintendants (sic), and to vest the office in the District Superintendant (sic); and by doing so they would effect a saving in the present expenditure that would enable them to establish a normal school.[175]

((He)) moved that the Salary of the Superintendent of Education should be £500 per annum or such a sum less than that as should bear the same relation to the sum appropriated for Schools in Upper Canada, as that appropriation bears to that for Lower Canada.[176]

MR. BALDWIN - He would like to ask the Hon. Member if the office of the Superintendant (sic) of Education was to be held as at present in Cobourg.[177]

MR. AT. GEN. DRAPER - It is to be held at Toronto.[178]

MR. ROBINSON said that the Superintendent of Education had gone to Europe last year, and had travelled over Great Britain and a great part of the Continent, for the purpose of enquiring into the various systems of education, and had no doubt collected much valuable information on the subject; and he wanted to know if the bill was founded upon any information derived from him.[179]

MR. AT. GEN. DRAPER - He had received much valuable information from that gentleman, of which they had availed themselves in framing the present bill.[180]

MR. JOHNSTON hoped that nothing would be done with regard to the bill, until once the report of that gentleman be printed and laid before the House.[181]

MR. PRICE - The report of the Superintendant (sic) of Education for Upper Canada, Mr. Ryerson, of the result of his visit of the different educational institutions of Europe, ought to have been printed, and in the hands of the Members, before considering the present bill, as it might furnish us information, not only with respect to higher branches of education, but also with respect to common schools. He (Mr. P.) would like to hear if the province was to pay for the expense of the Reverend gentleman's journey to Europe, and whether the present bill was drafted by him, or by the Attorney General. He (Mr. P.) understood that the Reverend gentleman, Mr. Ryerson, had been highly pleased with the Prussian system of education and was desirous of introducing it into Canada.[182]

MR. AT. GEN. DRAPER would relieve the hon member (Mr. Price) from the painful apprehension that he seems to labour under, for he would assure him, that while he was in the Ministry, there was no danger of any part of the Provincial funds being used to pay the expenses of Mr. Ryerson's visits to Europe. He (Mr. D) had of course consulted the Assistant Superintendent of Education for Upper Canada, and had received many valuable suggestions from him, but he (Mr. D) had drafted the bill, and was responsible for its contents. He (Mr. D) had taken the general machinery of the old bill, remedying many of its defects - such as abolishing Townships Superintendants (sic), and establishing a normal school, &c. &c. [183]

MR. ERMATINGER - would beg to observe that this bill would be a great benefit to the people of Upper Canada. He objected to the first clause, he did not see the use of it. With respect to the Normal School, he considered it a dangerous experiment; he had seen some Model Schools and we had better have had none at all. The Normal School would take away the benefits of the common school, and would be an increase of expenditure.[184]

MR. GOWAN - This ought not to be considered a party question, the education of the youth was a subject of the greatest importance, and he was convinced would be considered so by both sides of the House. The present bill, he considered to be a great improvement on the existing law. In the district which he represented, they had found the greatest difficulty in carrying it out. The first improvement in this bill which he would notice was the cutting off the Township superintendents, another point of great importance which was exceedingly doubtful in the existing law, was the power to assess; many district councils had refused to assess for school purposes, this duty was distinctly defined in the bill now before us. The next improvement he would notice was that the teacher if he taught for three months was allowed the year's salary; some had taught three months in one place, three more in another, and so on, and received four years' pay for one year's service. This was not allowed in the present bill. The last point he would notice was, that under the old bill, all the trustees went out annually, this was wrong. The trustees went out when they had been acquainted with their duties, under the present bill, however, only one-third went out. This was a decided improvement.[185]

MR. BALDWIN. - The Hon. Attor. General has, wilfully he would not say, misunderstood the force of the remarks of the hon. member for the South Riding; he wished to know whether this bill was the child of the Attor. General or of the Assistant Superintendent of Education. He would confess that the existing law was in some points defective; but the reason of this was, that it was intended to have formed part of a series of measures, of which the Municipal Council was one, and the failure of which rendered the School Act imperfect.[186]

MR. ROBLIN - he considered that the sum of £500 as the salary of the Assistant Superintendent was too much; he considered that £400 was sufficient.[187]

MR. AT. GEN. DRAPER - the House gave last session £500 to the Lower Canada Superintendent, and when the duties were materially increased, he felt sure that there could be no objection to give the Upper Canada Superintendent £500.[188]

MR. ROBLIN - if we give too much on one occasion, we ought not to do the same again, he would move that £400 be substituted for £500.[189]

MR. MERRITT said, that under the bill now before them, it would cost £1300 to support the two superintendents, with their clerks, while, in the State of New York, the Secretary of the State was ex officio the Superintendent of the whole State, and two or three clerks in his office do all the business that our Superintendents do. He thought one Superintendent would be sufficient for the whole Province.[190]

MR. WILLIAMS said, he would have supported the amendment of the member for Prince Edward but that it would be invidious to make a

distinction between the salaries of the two superintendents.[191]

MR. ERMATINGER said, he was very agreeable to give the £500, if the £175 included both clerk and travelling expenses.[192]

MR. ROBLIN's amendment was then put, and lost.[193]

MR. AT. GEN. DRAPER then moved that the said Superintendent of Education should be allowed £175 for a Clerk and the contingent expenses of his office.[194]

The clause was then carried.[195]

The third clause ... ((was)) read.[196]

MR. AT. GEN. DRAPER - this clause contains a new and important feature namely, the establishment of an unpaid Board for the purpose of examining the ... books to be used in Schools and for the purpose of examining Normal Schools, and to aid the Superintendent.[197]

MESSRS. BALDWIN, ROBLIN, and ERMATINGER spoke against it[198].

((The third and fourth clauses)) were passed[199].

((The fifth clause was read.))[200]

MR. AT. GEN. DRAPER - said, by the clause now before the Committee, it is intended to establish a Normal School. In the bill of the hon. member opposite (Mr. Baldwin) introduced in 1843, there was a clause for establishing Normal Schools which had not been adopted, and this clause was therefore only for the purpose of giving effect to the existing law; and if you get a Normal School you will get a good system of education established through the whole country; and of so great importance are schools of this kind held in the State of New York, that the sum of £10,000 is annually appropriated for Normal Schools; with regard to the expence, he did not intend to take it from the sum appropriated for the Common Schools but on the contrary, he would be able to give about £1500 per annum the first year, more for them; by the abolishing of the office of Township Superintendents you will effect a saving of about £3100 per annum, for there are 310 Townships which at present pay their Superintendants (sic) from £5 to £25 a year and which may be safely averaged at £10 each, which would give a total of £3100 saved by this bill per annum; of which sum he would devote during the first year, £1500 for the erection of buildings for Normal Schools, and £1500 for the school itself; after the first year the expences of the school are to be limited to £1500, and thus leaving at least £1200 more a year to the Common Schools; and it is proposed that a competent person should be engaged from Ireland to come out and take charge of the Normal School.[201]

MR. BALDWIN - He concurred in that part of the bill relating to the proposed change about Townships Superintendants (sic), and the monies to be saved by it. He thought the country would be a gainer by it. He would like very much to have young Canadians for Teachers,

and he was perfectly satisfind (sic) with the proposed measure, although it should cost the country a great deal more.[202]

MR. MERRITT hoped that a larger sum than £1500 should be appropriated for the school.[203]

MR. AT. GEN. DRAPER said that calculations had been made of the amount necessary, and it was thought that this sum would be quite sufficient.[204]

The ((fifth)) clause was then passed.[205]

The sixth clause ... ((was)) read.[206]

MR. J. S. MACDONALD (Glengarry) - Said that he objected to power of appointing District Superintendent being given to the Governor and Council; he thought it should be left with the people themselves.[207]

MR. RIDDELL thought it should be left with the Government. In his county a most unfit person had been appointed by the District Council.[208]

MR. BALDWIN though the appointment should be left in the District Councils.[209]

MR. D. MACDONELL, of (Stormont) - Said the office was a very important one, and that the appointment should be left in the District Counci((l)), and also that the appointment should be made annually.[210]

The clause as it stood was put, with the understanding that if Committee were against it, it should be amended so as to leave the appointment in the District Councils.[211]

On a division, the proposition to vest the patronage in the Government was lost.[212]

MR. AT. GEN. DRAPER then moved that the clause be amended, so that the appointment be left in District Council, and that appointment be made during their pleasure.[213]

COL. PRINCE said, that if any part of the bill gave more power to any District Council than it now possesses, he would oppose it clause by clause. In his District the Council were quite incompetent and unfit to perform their duties, - he spoke of no other District - knowing their incompetency, he, as he had already said, would vote against the bill clause by clause, if it gave them any greater power than they now possess.[214] Col. Prince suggested to the Hon. Attorney General the expediency of making some provision for the separate education of the children of Negroes in the Western District.[215] There were a great many coloured people, and there was such a great prejudice against them, that the white people[216] objected to their children mixing with the blacks in the common schools. The demoralizing state of the Negro population, a condition arising from their previous slavery and want of education was a crying evil, and it was the duty of

the Government to endeavour to snatch the children from the vices and brutish ignorance of their fathers, by some provision for their moral teaching and literary instruction.[217] He therefore, thought that there should be a division of the school monies, at least in his District, among two school masters, one to be appointed, for the white, and the other for the coloured children.[218]

The sixth clause passed as amended.[219]

After the ninth section had been passed, the attention of the Chairman was called to the fact that there was not a sufficient number of members in the house to form a quorum.[220]

The committee then rose[221].

The chairman, MR. CHABOT, reported that they had passed several clauses, and that they were unable to continue, from want of a sufficient number of members to form a quorum.[222]

(92)

Several Members having retired, Mr. Speaker resumed the Chair.

The Speaker, MR. MORIN, then ordered the Clerk to call the members' names[223].

(92)

Quorum. *The names of the Members present were taken down, as followeth:--*

(93)

Mr. Speaker.

Baldwin, Cayley, Chabot, Chauveau, DeWitt, Attorney General Draper, Lantier, Laurin, Méthot, Petrie, Sherwood of BROCKVILLE, and Smith of WENTWORTH.

And at midnight[224] *Mr. Speaker adjourned the House for want of a Quorum.*

APPENDIX, 14 APRIL 1846.

((QUESTION AND ANSWER RE: PURCHASE OF DORCHESTER BRIDGE.))[225]

M. CHAUVEAU ... demanda de nouveau ... à l'administration, si elle devait recommander l'achat du pont Dorchester.[226]

In answer to ... Mr. Chauveau, MR. AT. GEN. SMITH said it was not his intention to introduce a Bill to purchase Dorchester Bridge.[227]

((QUESTION AND ANSWER RE: DISTRICT OF QUEBEC CIRCUIT JUDGE.))[228]

MR. CHABOT - Enquired of the Ministry whether it was their intention to appoint another Circuit Judge for the District of Quebec, in the place of W. K. M'Cord, Esq, who had ((been)) appointed Police Magistrate for Quebec?[229]

MR. AT. GEN. SMITH - It was not their intention to do so; as they were not aware that the public welfare required it, if it could be shewn that the public welfare demanded it, they might appoint another Judge, but under the present circumstances, they were not prepared to do so.[230]

((QUESTION AND ANSWER RE: DISTRICT OF QUEBEC CIRCUIT JUDGE.))

MR. CHABOT ((asked a question)) as to whether it was the intention of the Government to appoint a third Circuit Judge in Quebec in the room of Mr. Taschereau appointed Sol. General; -[231]

MR. AT. GEN. SMITH said, that it was not the intention of the Government to make such appointment unless they found there was an absolute necessity for the same.[232]

((QUESTION AND ANSWER RE: ABOLITION OF FEUDAL TENURE.))

MR. LAURIN ((asked a question.))[233]

In answer ... MR. AT. GEN. SMITH said that Government was not prepared to introduce any Bill having for its purpose the repeal of the Feudal Tenure.[234]

((QUESTION AND ANSWER RE: DISTRICT OF QUEBEC FOUNDLINGS.))[235]

MR. CHABOT moved an enquiry of the Ministry relative to the foundlings in the District of Quebec.[236]

MR. AT. GEN. SMITH - Wait till the estimates are laid on the table.[237]

((QUESTION AND ANSWER RE: PUBLIC WORKS BILL.))[238]

MR. LANTIER made an enquiry of the Ministry respecting the act relative to public works.[239]

MR. AT. GEN. SMITH said, it was the intention of the Government to introduce a bill.[240]

((QUESTION AND ANSWER RE: OSHAWA PORT OF ENTRY.))[241]

MR. MUNRO ((asked a question.))[242]

MR. AT. GEN. SMITH - In answer to the enquiry ... whether it was their intention to make Oshawa a port of entry, said that the matter had only been under consideration to-day.[243]

((QUESTION AND ANSWER RE: TRENT RIVER FLOOD LOSSES.))[244]

MR. MURNEY ((asked a question.))[245]

MR. AT. GEN. SMITH - In answer to ((the)) enquiry ... if it was ((the)) intention of the Ministry to make provision for losses sustained by the overflow of the Trent, said that he would be able to answer the enquiry to-morrow.[246]

((POSTPONED MOTION RE: ADDRESS RE: LAKE ST. PETER EXPENDITURES.))[247]

MR. GOWAN's - Motion for an address to His Excellency, on expenditure of £58,000 for deepening Lake St. Peter, was postponed till Monday next.[248]

((DEBATE ON PETITION FROM QUEBEC SUPERVISOR OF CULLERS RE: INCREASE OF SALARY.))

((A petition was presented)) from the Supervisor of Cullers at Quebec praying for an increase of salary.[249]

MR. CAUCHON - said he thought that the Government should declare their views of the petition, as it involved a money question.[250]

MR. AT. GEN. SMITH - It would be seen by the Act, that the salary of the petitioner was not paid out of the Provincial funds but was obtained by fees, neither was any surplus that might arise to go into the public chest, but in such case the Government were empowered to reduce the fees so as to meet the expenditure.[251]

MR. AYLWIN - had, last year, set his face entirely against the increase of salary now sought for, but since that time he found out that the present salary was less than that often given by a merchant to his chief clerk. When the bill establishing the present salary was first introduced, in a former Parliament, he (Mr. Aylwin) was

suspicious of a job being in contemplation - he spoke with the best feeling towards the hon. member for Lanark - and he was therefore not very favorable to it; but he now saw reason to change his views, and he considered that the officer was not sufficiently paid; it also appeared that although the time of the petitioner was not exclusively occupied, yet he was prevented by his tenure of office from doing anything else. Among the reasons which induced him (Mr. Aylwin) to support the application was, his having seen a petition in favour of it signed by a large number of merchants known to him to be of the highest respectability. It should, however, be plainly understood that the salary would be now fixed, and that the door should be closed against all further increase.[252]

MR. MOFFATT - was favorable to the increase but thought the subject ought to be referred to a Committee of the whole House.[253]

MR. MEYERS - having been entrusted with a petition in favour of the present application, would observe that he heard all parties praise the manner in which the petitioner performed his duties.[254]

MR. CAMERON - was glad that his views in reference to the salary in question were at length adopted; he thought from the beginning that £500 ought to be the amount. It was also a satisfaction to him to find that when parties discovered that they had acted from vindictive, or other unworthy feelings, they were ready to act in the proper way, and to express suitable regret.[255]

MR. AYLWIN - denied that he had acted from vindictive feeling.[256]

FOOTNOTES - 14 APRIL 1846.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 17 April 1846; BRITISH COLONIST, 21 April 1846; and MIRROR, 14 April 1846 1846, and PILOT, 16 April 1846, in identical accounts.
2. BRITISH COLONIST, 21 April 1846.
3. MIRROR, 14 April 1846.
4. IBID.
5. BRITISH COLONIST, 21 April 1846.
6. MIRROR, 14 April 1846.
7. IBID.
8. BRITISH COLONIST, 21 April 1846.
9. MIRROR, 14 April 1846.
10. BRITISH COLONIST, 21 April 1846.
11. MIRROR, 14 April 1846.
12. IBID.
13. IBID.
14. IBID.
15. The debate on this motion was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts. There is a commentary in LE JOURNAL DE QUEBEC, 18 April 1846.
16. MIRROR, 14 April 1846.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. MONTREAL GAZETTE, 17 April 1846. The debate on this motion in committee of the whole was reported by: BRITISH COLONIST, 21 April 1846; MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts; and MONTREAL GAZETTE, 17 April 1846, COBOURG STAR, 22 April 1846, and CHATHAM GLEANER, 28 April 1846, in accounts identical except that in the CHATHAM GLEANER some speeches are omitted entirely.
25. MIRROR, 14 April 1846.
26. MONTREAL GAZETTE, 17 April 1846.
27. BRITISH COLONIST, 21 April 1846.
28. MONTREAL GAZETTE, 17 April 1846.
29. MIRROR, 14 April 1846.
30. MONTREAL GAZETTE, 17 April 1846.
31. MIRROR, 14 April 1846.
32. MONTREAL GAZETTE, 17 April 1846.
33. MIRROR, 14 April 1846.
34. MONTREAL GAZETTE, 17 April 1846.
35. MIRROR, 14 April 1846.
36. BRITISH COLONIST, 21 April 1846.
37. MONTREAL GAZETTE, 17 April 1846.
38. BRITISH COLONIST, 21 April 1846.
39. MONTREAL GAZETTE, 17 April 1846.

40. MIRROR, 14 April 1846.
41. BRITISH COLONIST, 21 April 1846.
42. MONTREAL GAZETTE, 17 April 1846.
43. BRITISH COLONIST, 21 April 1846.
44. MONTREAL GAZETTE, 17 April 1846.
45. BRITISH COLONIST, 21 April 1846.
46. MIRROR, 14 April 1846.
47. MONTREAL GAZETTE, 17 April 1846.
48. MIRROR, 14 April 1846.
49. IBID.
50. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
51. MIRROR, 14 April 1846.
52. IBID.
53. IBID.
54. The debate on this motion was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
55. MIRROR, 14 April 1846.
56. BRITISH COLONIST, 21 April 1846, reports that this was done on motion of Mr. Gowan.
57. The debate on this matter was reported by: MONTREAL GAZETTE, 17 April 1846; BRITISH COLONIST, 21 April 1846; and MIRROR, 14 April 1846, and PILOT, 16 April 1846, copied by KINGSTON NEWS, 20 April 1846, in identical accounts.
58. MIRROR, 14 April 1846.
59. MONTREAL GAZETTE, 17 April 1846.
60. MIRROR, 14 April 1846.
61. IBID.
62. IBID.
63. MONTREAL GAZETTE, 17 April 1846.
64. MIRROR, 14 April 1846.
65. MONTREAL GAZETTE, 17 April 1846.
66. MIRROR, 14 April 1846.
67. MONTREAL GAZETTE, 17 April 1846.
68. MIRROR, 14 April 1846.
69. MONTREAL GAZETTE, 17 April 1846.
70. MIRROR, 14 April 1846.
71. MONTREAL GAZETTE, 17 April 1846.
72. MIRROR, 14 April 1846.
73. MONTREAL GAZETTE, 17 April 1846.
74. MIRROR, 14 April 1846.
75. MONTREAL GAZETTE, 17 April 1846.
76. MIRROR, 14 April 1846.
77. MONTREAL GAZETTE, 17 April 1846.
78. BRITISH COLONIST, 21 April 1846.
79. MIRROR, 14 April 1846.
80. IBID.
81. MONTREAL GAZETTE, 17 April 1846.
82. BRITISH COLONIST, 21 April 1846.
83. MIRROR, 14 April 1846.

84. MONTREAL GAZETTE, 17 April 1846.
85. MIRROR, 14 April 1846.
86. BRITISH COLONIST, 21 April 1846.
87. MIRROR, 14 April 1846.
88. BRITISH COLONIST, 21 April 1846.
89. MIRROR, 14 April 1846.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. The debate on this motion was reported by: MONTREAL GAZETTE, 17 April 1846; BRITISH COLONIST, 28 April 1846; and MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
96. MONTREAL GAZETTE, 17 April 1846.
97. MIRROR, 14 April 1846.
98. MONTREAL GAZETTE, 17 April 1846. The MONTREAL GAZETTE and MIRROR, 14 April 1846, both quoted the figure as 21 square miles while BRITISH COLONIST, 28 April 1846, referred to it as 31 square miles.
99. MIRROR, 14 April 1846.
100. MONTREAL GAZETTE, 17 April 1846.
101. MIRROR, 14 April 1846.
102. MONTREAL GAZETTE, 17 April 1846.
103. BRITISH COLONIST, 28 April 1846. According to the BRITISH COLONIST, Aylwin spoke "with great vociferation."
104. BRITISH COLONIST, 28 April 1846.
105. IBID.
106. IBID.
107. MONTREAL GAZETTE, 17 April 1846.
108. MIRROR, 14 April 1846.
109. BRITISH COLONIST, 28 April 1846, which observed: "every word exceeding the other in vociferation."
110. MONTREAL GAZETTE, 17 April 1846.
111. MIRROR, 14 April 1846.
112. MONTREAL GAZETTE, 17 April 1846.
113. MIRROR, 14 April 1846.
114. MONTREAL GAZETTE, 17 April 1846.
115. MIRROR, 14 April 1846.
116. MONTREAL GAZETTE, 17 April 1846.
117. IBID.
118. MIRROR, 14 April 1846.
119. MONTREAL GAZETTE, 17 April 1846.
120. MIRROR, 14 April 1846.
121. MONTREAL GAZETTE, 17 April 1846.
122. BRITISH COLONIST, 28 April 1846.
123. MONTREAL GAZETTE, 17 April 1846.
124. BRITISH COLONIST, 28 April 1846.
125. MONTREAL GAZETTE, 17 April 1846.
126. BRITISH COLONIST, 28 April 1846.
127. MONTREAL GAZETTE, 17 April 1846.

128. BRITISH COLONIST, 28 April 1846.
129. MONTREAL GAZETTE, 17 April 1846.
130. BRITISH COLONIST, 28 April 1846.
131. MONTREAL GAZETTE, 17 April 1846.
132. BRITISH COLONIST, 28 April 1846.
133. MONTREAL GAZETTE, 17 April 1846.
134. BRITISH COLONIST, 28 April 1846.
135. MONTREAL GAZETTE, 17 April 1846.
136. BRITISH COLONIST, 28 April 1846.
137. MONTREAL GAZETTE, 17 April 1846.
138. BRITISH COLONIST, 28 April 1846.
139. MONTREAL GAZETTE, 17 April 1846.
140. BRITISH COLONIST, 28 April 1846.
141. MONTREAL GAZETTE, 17 April 1846.
142. MIRROR, 14 April 1846.
143. MONTREAL GAZETTE, 17 April 1846.
144. BRITISH COLONIST, 28 April 1846.
145. MIRROR, 14 April 1846.
146. BRITISH COLONIST, 28 April 1846.
147. MIRROR, 14 April 1846.
148. BRITISH COLONIST, 28 April 1846.
149. MIRROR, 14 April 1846.
150. MONTREAL GAZETTE, 17 April 1846.
151. BRITISH COLONIST, 28 April 1846.
152. MIRROR, 14 April 1846.
153. BRITISH COLONIST, 28 April 1846.
154. MIRROR, 14 April 1846.
155. BRITISH COLONIST, 28 April 1846.
156. MONTREAL GAZETTE, 17 April 1846.
157. The debate on this motion was reported by: LE JOURNAL DE QUEBEC, 18 April 1846; and in identical accounts in LA MINERVE, 23 April 1846, and LE JOURNAL DE QUEBEC, 23 April 1846.
158. LE JOURNAL DE QUEBEC, 18 April 1846, commented about the following: "M. Chauveau a fait un chaleureux discours."
159. LA MINERVE, 23 April 1846.
160. IBID.
161. IBID.
162. IBID.
163. IBID.
164. IBID.
165. IBID.
166. IBID.
167. The debate on this matter was reported by: MONTREAL GAZETTE, 17 April 1846, in which a commentary was also included.
168. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
169. MIRROR, 14 April 1846.
170. IBID.
171. IBID.

172. IBID.
173. The debate on this matter was reported by: MONTREAL GAZETTE, 17 April 1846; and MIRROR, 14 April 1846, PILOT, 16 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in identical accounts. KINGSTON NEWS, 20 April 1846, copied PILOT, but omitted certain speakers. There is a commentary in EXAMINER, 29 April 1846.
174. MIRROR, 14 April 1846.
175. IBID.
176. MONTREAL GAZETTE, 17 April 1846.
177. MIRROR, 14 April 1846.
178. IBID.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. IBID.
194. MONTREAL GAZETTE, 17 April 1846.
195. MIRROR, 14 April 1846.
196. IBID.
197. IBID.
198. MONTREAL GAZETTE, 17 April 1846.
199. MIRROR, 14 April 1846.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. IBID.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. IBID.
214. IBID.
215. MONTREAL GAZETTE, 17 April 1846.
216. MIRROR, 14 April 1846.
217. MONTREAL GAZETTE, 17 April 1846.

218. MIRROR, 14 April 1846.
219. IBID.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. IBID. The MIRROR noted that the Speaker "left the Chair, at 10 minutes past 12."
225. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 18 April 1846, and MONTREAL GAZETTE, 17 April 1846, in identical accounts.
226. LE JOURNAL DE QUEBEC, 18 April 1846.
227. MONTREAL GAZETTE, 17 April 1846.
228. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
229. MIRROR, 14 April 1846.
230. IBID.
231. MONTREAL GAZETTE, 17 April 1846.
232. IBID.
233. IBID.
234. IBID.
235. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
236. MIRROR, 14 April 1846.
237. IBID.
238. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
239. MIRROR, 14 April 1846.
240. IBID.
241. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
242. MIRROR, 14 April 1846.
243. IBID.
244. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
245. MIRROR, 14 April 1846.
246. IBID.
247. The debate on this matter was reported by: MIRROR, 14 April 1846, and PILOT, 16 April 1846, in identical accounts.
248. MIRROR, 14 April 1846.
249. IBID.
250. IBID.
251. IBID.
252. IBID.
253. IBID.
254, IBID.
255. IBID.
256. IBID.

(93)

Petitions laid on the table. THE following Petitions were severally brought up and laid on the table:--

By Mr. Macdonell of Dundas,--The Petition of John Laing and others, of the Eastern District.

By Mr. Christie,--The Petition of H. O'Hara, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By the Honourable Mr. Moffatt,--The Petition of J. S. M'Cord, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Chalmers,--The Petition of William B. Kerns and others, members of the United Church of England and Ireland, in the Township of Nelson, in the District of Gore.

By Mr. Taché,--The Petition of Joseph Hudon, Esquire, President, and Jean Bte. Martin, Secretary, on behalf of the Corporation of the Municipality of St. Paschal, in the County of Kamouraska; the Petition of Joseph Ouellet, Esquire, and others, of Trois Pistoles, in the County of Rimouski; and the Petition of the Reverend F. X. De L'âge, and others, of the City of Quebec, and of St. Michel and other Parishes.

By Mr. Bertrand,--The Petition of J. B. A. Chamberland, Esquire, and others, of the County of Rimouski.

By Mr. Brooks,--The Petition of Joseph Smith and others, inhabitants of the Township of Compton, in the District of St. Francis.

By Mr. Prince,--The Petition of Samuel Gardiner, Esquire, and others, inhabitants of Sandwich and its neighbourhood, in the Western District.

By Mr. Cummings,--The Petition of Andrew Pettit and others, members of the United Church of England and Ireland, in the Township of Grimsby, in the Diocese of Toronto; and the Petition of Thomas Willson and others, of Thorold, in the District of Niagara.

By Mr. Hale,--The Petition of Mrs. Lucinda Lane, mother of William Lane, late Clerk in the Provincial Secretary's office.

Huron Rates and Taxes Bill. An Engrossed Bill to provide for the recovery of the Rates or Taxes intended to be imposed by certain By-laws of the District Council of the District of Huron, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Cayley do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of the Honourable R. U. Harwood and others, of Vaudreuil; praying

for aid to construct a Road and Bridges leading to the City of Montreal.

Of the Reverend David Leavitt and others, Ministers and members of the Christian Universalist Association of Canada West; and of the Reverend Benjamin Fralick and others, the Ministers and members of the Christian Universalist Association for Canada West; praying that they may enjoy the same rights and privileges as other religious bodies.

Of the Municipal Council of the District of Bathurst; praying that they may receive the School Grant for 1845.

Of the Municipal Council of the District of Bathurst; praying that the Charter of King's College may be established upon a liberal basis, and that a Chair for Agriculture and Agricultural Chemistry be established therein.

Of the Reverend William Dick, on behalf of the Ottawa Baptist Association, convened at St. Andrews; praying that all Her Majesty's subjects in this Province may partake equally of the benefits of King's College.

Of the Reverend William Dick, on behalf of the Ottawa Baptist Association, convened at St. Andrews; praying that no alteration may be made in the Imperial Act respecting the Clergy Reserves.

Of Thomas S. Shenston of Woodstock; complaining that he has been ill-used by a certain Magistrate in the District of Brock, and praying relief.

Of T. Appleton and others, Contractors, Master Builders, and Masons of Montreal; praying for the repeal of a certain ancient French Law, which compels them to guarantee the stability and durability of their work for ten years.

Of the Mayor, Aldermen, and Commonalty of the City of Toronto; praying for certain amendments to the Acts Incorporating the said City.

Of George Perry and others, of the City and Parish of Montreal, the Parish of Longueuil, and neighbouring places; of the Municipal Council of Hochelaga; and the Petition of William Giroux and others, of Hochelaga and Montreal; praying that no extension of privileges may be granted to the Trustees of the Longueuil and Chambly Turnpike Road.

Of Jean Baptiste Rousseau and others, inhabitants of Forsyth and other Townships, in the County of Megantic; praying an aid for the improvement of the Lambton Road.

Of Robert H. Bruce, Esquire, and others, inhabitants residing on the Grand River, in the County of Haldimand; praying that measures may be taken for the reduction of certain Rivulets in the said County to their original width, by raising embankments.

Of James Blott, Esquire, and others, inhabitants of the Township of Dunn, in the District of Niagara; and of William Chalmers and others, inhabitants of the Township of Sherbrooke Forest, in the District of Niagara; praying that the District Town may be removed to Port Robinson.

Of G. Wrong and Alexander Saxton, Esquires, in behalf of the inhabitants of the Township of Malahide; praying for aid to construct a Harbour at Port Burwell.

Of Henry Puddicombe and others, members of the United Church of England and Ireland, in the Township of Wilmot, in the District of Wellington, in the Diocese of Toronto; of the Reverend Alexander Pyne, A.B., and others, members of the United Church of England and Ireland, in the Townships of Sarnia and Plympton, in the Diocese of Toronto; of James Rosamond and others, members of the United Church of England and Ireland, in the Village of Carlton Place, of the Diocese of Toronto; of S. Ormsby and others, members of the United Church of England and Ireland, in Richmond and its vicinity; and of A. Rainsford and others, members of the United Church of England and Ireland, in the Township of Osnabruck, in the County of Stormont, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

(94)

Of John King, Esquire, M.D., and George R. Grasett, Esquire, L.M., on behalf of the Toronto Medico-Chirurgical Society; praying for the establishment of a College of Physicians and Surgeons in Upper Canada.

Of William Charles Hume, Esquire, in behalf of the inhabitants of Orillia and adjoining Townships; praying for the completion of a certain interval of the Windsor Harbour and Sturgeon Bay Road.

Of Thomas Ewart, Esquire, and others of the City of Toronto; of John Murphy and others, inhabitants of the Township of Vaughan, in the Home District; of Daniel Knowles and others, inhabitants of the Townships of Scarborough and Pickering; of Henry Miller and others, inhabitants of the Township of Markham, in the Home District; praying that no partition be made of the endowment of King's College, but that it be protected from mismanagment.

Of William Steel and others, inhabitants of the Townships of Scarborough and Pickering; praying that no division be made of the Clergy Reserve Lands, but that they may be sold for the benefit of general education.

Of Newton Bosworth and others, members of the Baptist Church in Paris, Upper Canada; praying that there may be no Theological Chair in the University of King's College, but that it be for the promotion of general education.

Of the Reverend J. M. Cramp, in behalf of the Canada Baptist Union; praying that no aid be granted to denominational Schools or Colleges.

Of the Reverend J. M. Cramp, in behalf of the Canada Baptist Union; praying that no division may be made of the Clergy Reserve Lands.

Of the Reverend J. M. Cramp, in behalf of the Canada Baptist Union; praying for an alteration in the Charter and against a division of the endowment of the University of King's College.

Of Thomas Corcoran and others, of the Town of Bytown; praying that no Act be passed Incorporating the said Town.

Of the President and Board of Police of Belleville; praying that their Act of Incorporation may be amended.

Of Gideon B. White and others, of the Township of Hillier; praying that a certain Survey in the said Township may remain as it is at present.

Of Andrew Austin and others, Medical practitioners of the District of Prince Edward; praying that certain measures be taken to organize the Medical Profession in this Province, and to place it on a proper footing.

Of the Venerable George O'Kill Stuart and others, inhabitants of the Town and Township of Kingston; praying against the passing of any Act to include Lot No. 24 within the limits of the said Town.

Of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the Parishes of Adolphustown and Fredericksburgh, in the Midland District; praying that the Church of England may have the control of its share of the Common School Funds.

Of the Reverend J. L. Alain and others, of the District of Gaspé; praying that the proposed Bill relating to Marriages in the District of Gaspé may not pass into a Law.

Of Isaac Hilgrove Gosset, Esquire, of the Island of Jersey; praying that the proposed Bill, relating to Marrigaes in the District of Gaspé, may not pass into a Law.

Of Louis T. Besserer and others, of the Town of Bytown; praying for an Act of Incorporation for the said Town.

Of Robert Stobo and others, of the District of Bathurst; praying for the Survey of a certain Line for a Road in Ramsay and Packenham.

Of Peter Adams and others, inhabitants of the District of Johnstown; praying that the Road from Point Cardinal to Heck's Corners, in the Township of South Gower, be completed, and that it be placed under the control of the Board of Works.

Of Hiram Adams and Abel S. Pope, of the Township of Edwardsburgh, in the District of Johnstown; complaining of the seizure of certain articles by the Custom House Officers, and praying relief.

Of George Crawford, Esquire, Chairman on behalf of a meeting of the inhabitants of the Town of Brockville; praying for the passing of a certain Act for the assessment of real and personal property in the Town of Brockville.

Of Ichabod Smith and others, Trustees of Stanstead Seminary; praying for the usual aid in support of the said institution.

Of the Right Reverend the Lord Bishop of Montreal, and others, the Committee of management of the National Schools at Quebec; praying for an aid in support of the said institutions.

Of Jeffery Hale, Esquire, and others, President and members of the Quebec British and Canadian School Society; praying for aid in support of the said institution.

Of G. H. Ryland, Esquire, and others, Registrars in the District of Montreal; praying that means may be devised for securing to them remuneration for the duties of the said office.

Of Alphonso Wells, of the City of Montreal; praying remuneration for his services as Commissioner on the part of Canada, for determining the Boundary Line between Canada and New Brunswick.

Of Charles Baker and others, Master Mechanics of the City of

Toronto; praying for the passing of an Act to compel Apprentices to serve during the whole term of their engagements.

Of William Evans and others, of the Parish of Montreal; praying for certain amendments to the Turnpike Act.

Of John Gibson and others, of the Townships of Clarke and Manvers, in the District of Newcastle; praying for aid to construct a Road through the said Townships to Lake Ontario.

Of Joseph P. Slocum, of Port Sarnia, and of James Hannah, of the Township of Sarnia; praying that a certain Road in the said Township may not be closed up as petitioned for by Captain R. E. Vidal.

Of John Burwell, of Port Burwell, Esquire; praying for a grant of Land for all the Loyal Volunteers during the late insurrection and invasions.

Of J. H. Culp, of the Township of Stanford, in the District of Niagara; praying for the payment of a certain amount due by the Provincial Government to the Estate of the late Robert Randall.

Of Dilly Coleman and others, of the Township of Thorold, in the District of Niagara; praying for the removal of the County Town, but that it may not be situated at St. Catharines.

Of John Lemon and others, of Willoughby, in the District of Niagara; and of Arthur Johnston and others, of the Township of Bertie West, in the District of Niagara; praying that the District Town may be removed to Port Robinson.

Of Walter H. Dickson, Esquire, and others, of the Town of Niagara; praying for the passing of an Act to regulate and protect the Fisheries in the Lakes of the Province.

Of H. Davidson and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

(95)

Of Féréol Roy, Esquire, and others, inhabitants of the South Shore of the River St. Lawrence, in the District of Quebec; praying that the exclusive privilege of using the Ferry across the said River, demanded by H. N. Patton, Esquire, and others, be not granted to them.

Of Jean Baptiste Laverdière and others, of Bellechasse; praying for aid to facilitate their internal communications.

Of the President, Directors, and Company of the Commercial Bank, of the Midland District; praying for Relief from the payment of the Tax on the circulation of Bank Notes.

Of M. T. Hunter, President of the Merchant Seamen's Society of Kingston; praying for exemption from the payment of Harbour Dues in certain cases.

Petitions referred: *Ordered, That the Petition of William Evans and others, of the Parish of Montreal; and the*

W. Evans, et al.

Hon. R. U. Harwood, et al.

Petition of the Honourable R. U. Harwood and others, of Vaudreuil, be referred to the Select Committee, to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine road, and other references.

Instruction.

Ordered, That it be an instruction to the said Committee, to take and receive the evidence and opinion of the Chairman of the Board of Works, on that part of the Petition of the Honourable R. U. Harwood and others, of Vaudreuil, which refers to the propriety of opening the road from Montreal to St. Ann's, through the interior of the Island of Montreal; and also on the Petition of Edward M'Naughton and others, of the Parishes of Ste. Anne, Ste. Geneviève, and Pointe Claire.

A. Rainsford, et al.

Ottawa Baptist Association.

J. Rosamond, et al.

S. Ormsby, et al.

Ordered, That the Petition of A. Rainsford and others, members of the United Church of England and Ireland, in the Township of Osnabruck, in the County of Stormont, in the Diocese of Toronto; the Petition of the Reverend William Dick, on behalf of the Ottawa Baptist Association, convened at St. Andrews, (relating to the Clergy Reserves;) the Petition of James Rosamond and others, members of the United Church of England and Ireland, in the village of Carlton Place, in the Diocese of Toronto; and the Petition of S. Ormsby and others, members of the United Church of England and Ireland, in Richmond and its vicintiy; be referred to the Select Committee, to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Ottawa Baptist Association.

J. P. Gage, et al.

A. M'Naughton, et al.

Ordered, That the Petition of the Reverend William Dick, on behalf of the Ottawa Baptist Association, convened at St. Andrews, (relating to King's College;) the Petition of Alexander M'Cann and others, of Nassagaweya; the Petition of James P. Gage and others, of the Township of Nelson, in the District of Gore; and the Petition of Alexander M'Naughton and others, of the Township of Nassagaweya, be referred to the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

Inhabitants of Bayham, &c.

Inhabitants of Malahide.

Ordered, That the Petition of W. F. Wallace, Chairman of a meeting of the inhabitants of Bayham and the adjoining Townships in the District of London; and the Petition of G. Wrong and Alexander Saxton, Esquires, in behalf of the inhabitants of the Township of Malahide, be referred to the Select Committee, to which was referred the Petition of James Hutchison and James F. M'Carthy, on behalf of a Public Meeting of the inhabitants of Bayham, and other Townships

in the Districts of London, Oxford and Talbot.

Rev. J. L. Alain, et al.
I. H. Gosset.

Ordered, That the Petition of the Reverend J. L. Alain and others, of the District of Gaspé; and the Petition of Isaac Hilgrove Gosset, Esquire, of the Island of Jersey, be referred to the Select Committee, to which was referred the Magdalen Islands Bill, and other references.

Commercial Bank, (M.D.)

Ordered, That the Petition of the President, Directors, and Company of the Commercial Bank of the Midland District be referred to the Select Committee, to which was referred the Petition of the Bank of Upper Canada.

W. Chalmers, et al.
J. Blott, et al.
A. Johnston, et al.
J. Lennon, et al.
D. Coleman, et al.

Ordered, That the Petition of William Chalmers and others, inhabitants of the Township of Sherbrooke Forest, in the District of Niagara; the Petition of James Blott, Esquire, and others, inhabitants of the Township of Dunn, in the District of Niagara; the Petition of Arthur Johnston and others, of the Township of Bertie West, in the District of Niagara; the Petition of John Lemon and others, of Willoughby, in the District of Niagara; and the Petition of Dilly Coleman and others, of the Township of Thorold, in the District of Niagara; be referred to the Select Committee, to which were referred so much of the Entries in the Journals of this House of the Session of 1843, as relate to the Selection of a Site for a new District Town for the District of Niagara.

Rev. D. Leavitt et al.

Resolved, That the Petition of the Reverend David Leavitt and others, ministers and members of the Christian Universalist Association of Canada West, be referred to a Select Committee, composed of Mr. Cameron, Mr. Williams, and Mr. Price, to examine all the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rev. B. Fralick et al.

Ordered, That the Petition of the Reverend Benjamin Fralick and others, the ministers and members of the Christian Universalist Association for Canada West, be referred to the said Committee.

Bathurst Municipal Council.

Resolved, That the Petition of the Municipal Council of the District of Bathurst, (relating to King's College) be referred to a Select Committee, composed of Mr. Cameron, the Honourable Mr. Attorney General Draper, Mr. Roblin, Mr. Hall, and Mr. Stewart of Bytown, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons,

papers, and records.

E. Risely, et al. Resolved, That the Petition of Edmund Risely, Esquire, and others, of the District of Niagara, be referred to a Select Committee, composed of Mr. Dickson, the Honourable Mr. Baldwin, the Honourable Mr. Solicitor General Sherwood, Mr. Cummings, and Mr. Merritt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

P. Besse, et al. Resolved, That the Petition of P. Besse and others, of Chambly, in the County of Chambly, be referred to a Select Committee, composed of Mr. Lacoste, the Honourable Mr. [illegible]Bleury, Mr. Franchère, Mr. Armstrong, Mr. Colvile, Mr. Boutillier, and Mr. Jobin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Agricultural Society of Chambly. Resolved, That the Petition of Gabriel Marchand, Esquire, President and others, the officers and members of the Committee of the Agricultural

(96)

Society of the County of Chambly, be referred to a Select Committee, composed of Mr. Lacoste, Mr. Franchère, Mr. LeMoine, Mr. Colville, and Mr. Armstrong, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. P. Gage, et al. Resolved, That the Petition of J. P. Gage and others, of the Townships of Nelson and Saltfleet, in the District of Gore, be referred to a Select Committee, composed of Mr. Chalmers, Mr. Smith of Wentworth, and Mr. Cummings, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

H. F. Graham, et al. Ordered, That the Petition of Henry F. Graham and others, inhabitants of Barton and other Townships, in the District of Gore, be referred to the said Committee.

R. H. Bruce, et al. Resolved, That the Petition of Robert H. Bruce, Esquire, and others, inhabitants residing on the Grand River, in the County of Haldimand, be referred to a Select Committee, composed of Mr. Thompson, Mr. Cummings, Mr. Dickson, Mr. Roblin, and Mr. Williams, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Notarial Titles, &c. Bill, (L. C.) Mr. Solicitor General Taschereau, from the Select Committee, to which was referred the Bill to remove all doubts as to the validity of certain

deeds, instruments, and documents, executed before Notaries in Lower Canada, and to secure the rights, titles, and interest, of all parties concerned therein, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House on Monday next.

Magdalen Islands Bill.

Mr. Christie, from the Select Committee, to which was referred the Magdalen Islands Bill, and other references, with power to report from time to time, reported that the Committee had gone through the Bill relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Monday next.

Petition of the Commercial Bank, M.D.

Mr. Macdonald of Kingston, from the Select Committee, to which was referred the Petition of the President, Directors, and Company of the Commercial Bank of the Midland District, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee find that, of the three hundred thousand pounds of new stock added to the Capital Stock of the Commercial Bank, by the Statute 6th Victoria, chapter 26, there still remains, not paid up, the sum of one hundred and sixty-nine thousand six hundred and fifty pounds. The time for paying up the whole of this new stock, will expire on the 12th day of October, 1847, and the Petitioners are desirous that this time should be extended for four years more.

Your Committee think this request a reasonable one, and recommend that it should be complied with.

Your Committee also recommend, that the time for holding the annual General Meeting of the Shareholders of the Capital Stock of the Bank, should be altered from the second to the first Tuesday in July of each year, as it appears that such alteration will be more convenient for the purpose of preparing and exhibiting to the Shareholders the Statement of the Bank affairs required by law.

The Petitioners complain that, by the stringent provisions of the 20th section of their last extended Charter, they are prevented from taking either real or personal property in satisfaction of debts previously contracted with them, or purchased at sales on judgments recovered by them. These restrictions are, in the opinion of your Committee, equally injurious to the Petitioners and their debtors. The Bank is deprived of means of saving itself from loss which are allowed to all other creditors, and is obliged, in many cases, to

sell the property of those indebted to them at a price which is insufficient to pay the debt in full, and is at the same time ruinous to the debtor.

Your Committee are therefore of opinion, that while Banks should not be permitted to lend money on the security of property, real or personal, they whould be allowed to receive, in payment or satisfaction of debts already incurred, such property as their debtors are able to give them.

Commercial Bank Charter Amendment Bill.

Ordered, That Mr. Macdonald of Kingston, have leave to bring in a Bill to amend an Act, intituled, "An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its Capital Stock."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Sherwood of Brockville, seconded by Mr. Seymour,

Brockville Police.

Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of amending an Act, passed in the second year of the Reign of His late Majesty, William the Fourth, establishing a Board of Police in the Town of Brockville; and also the Laws relating to Assessments and Statute Labour, of that part of this Province called Upper Canada, so far as they relate to the said Town.

The House accordingly resolved itself into the said Committee.

Mr. Foster took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Foster reported that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Sheriffs' Poundage Bill.

Ordered, That Mr. Sherwood of Brockville have leave to bring in a Bill, to regulate the Poundage to be received by Sheriffs on Executions, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

School Act Amendment Bill. (U.C.)

Ordered, That Mr. Roblin have leave to bring in a Bill to amend the Act therein mentioned relating to the appropriation of moneys derived from the sale of School Lands in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read

(97)

a second time on Wednesday next.

Bathurst School Moneys Bill. — *Ordered, That Mr. Cameron have leave to bring in a Bill to enable the District of Bathurst to receive the School moneys apportioned to it in the year one thousand eight hundred and forty-five, notwithstanding the failure of the District Council to levy an equal sum.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Cameron, seconded by Mr. Thompson,

Address for Names of Government Officers. — *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will cause to be laid before this House a continuation of the Statement submitted to this House on the twentieth of March, 1845, containing the names of all persons appointed to office of emolument from November 1843, to the ninth of December, 1844; that this House may have the names of all persons appointed to office since the date of the said document, with the designation of the office, the rate of salary, and the authority under which they were so appointed.*

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Odd Fellows' Bill. — *Mr. Foster moved, seconded by the Honourable Mr. Moffatt, for leave to bring in a Bill to enable the several Lodges of the Society of "Odd Fellows" to hold real and personal estate in this Province.*[1]

MR. CAUCHON opposed the bill. He knew nothing about the society and did not want to know anything; he believed however that it was a secret association, and he was averse to such societies.[2] Il trouvait ridicule d'incorporer une société dont on ignorait complètement la constitution et les règlemens. Il voulait bien croire que tous ses membres étaient des hommes irréprochables; il n'avait même aucun mauvais soupçon contre les Orangistes qu'il croyait tous y compris même leur chef, intacts de corps et d'esprit; mais il tenait à ce que la chambre se refusât de législater au sujet de toute société secrète.[3]

Mr. Cauchon fut interrompu diverses fois par le membre pour Peterborough.[4]

MR. ROBINSON said if the hon. gentleman wished to see an Odd Fellow, he would introduce himself and many of his friends upon his right and left to his notice, as members of the association in ques-

tion. He could not give all the information he might desire upon the subject unless the gentleman became an Odd Fellow himself, and he believed it would not take much to make him one. The society was one purely benevolent, and he could assure the opposer of this bill that if he were a member of it, would not make him a worse man but might make him a better.[5]

MR. CAUCHON called for a division.[6]

(97)

The question having been put on the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Berthelot, Bertrand, Cameron, Cayley, Chalmers, Christie, Colville, Cummings, Daly, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Franchère, Gowan, Hale, Hall, Johnston, Lacoste, Lantier, Laterrière, Laurin, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARY, Macdonald of KINGSTON, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Prince, Riddell, Richardson, Robitaille, Seymour, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Solicitor General Taschereau, Thompson, Viger, Webster, and Williams.--(50.)

NAYS.

Cauchon, Chabot, Chauveau, DeWitt, Drummond, Jobin, LaFontaine, and Nelson.--(8.)

So it was carried in the affirmative;

And he accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Members discharged from Attendance on Committee. — *Ordered, That Mr. LeBoutillier, agreeably to his own request, be discharged from further attendance upon the Select Committee to which was referred the Magdalen Islands Bill, and References, and that Mr. Prince, who has obtained leave of absence, be in like manner discharged from further attendance upon the said Committee.*

Member added. — *Ordered, That Mr. Sherwood of Brockville be added to the said Committee.*

Bronté Harbour Bill. — *Ordered, That Mr. Chalmers have leave to bring in a Bill to revive and extend an Act of the Parliament of Upper Canada, 3d Victoria, chap. 33, intituled "An Act to incorporate certain persons under the name and style of 'the President, Directors, and Company of the Bronté Harbour.'"*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Leave of Absence.

Ordered, That Mr. Smith of Frontenac have leave to absent himself from this House from the twenty-first instant during the remainder of the Session, on urgent private business.

Montreal Court House Bill.

Mr. Duggan, from the Committee of the whole House to take into consideration the propriety of adopting measures for the rebuilding of a Court House in the City of Montreal, and of acquiring the ground necessary therefor, and of providing the necessary funds for that object, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to adopt measures for supplying the Courts of the District of Montreal, with the necessary accommodation for holding the Courts of the District, of which they have been deprived by the destruction of the Court House by fire.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to provide for the rebuilding of the Court House in the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Duties on Stills.

Mr. Cauchon, from the Committee of the whole House, to take into consideration the propriety of repealing the laws in force, relating to duties on Stills, and the method of collecting the same, and of substituting other enactments therefor, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the existing laws, imposing a duty on Stills, and the method of collecting the same, and to substitute other enactments imposing a duty per gallon on the Distillation of Spirits.

Ordered, That the Honourable Mr. Cayley have leave to bring in a Bill to repeal certain Acts therein mentioned, and to impose a Duty on Distillers, and on the Spirituous Liquors made by them, and to provide for the collection of such Duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Huntingdon Plank Road Bill.

Mr. Murney from the Committee of the whole House, to consider the propriety of incorporating the "Huntingdon Plank Road Company," reported, according to order, the Resolution of the said

Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to incorporate the "Huntingdon Plank Road Company."

Ordered, That Mr. Colvile have leave to bring in a Bill to incorporate the "Huntingdon Plank Road Company."

(98)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

School Bill, (U. C.) *The Order of the Day for the House in Committee, on the Bill for the better establishment and maintenance of Common Schools in Upper Canada, being read;*

The House accordingly resolved itself into the said Committee. Mr. Chabot took the Chair of the Committee,[7]

Several clauses were adopted without discussion.[8]

On the 4th section of the 26th clause being proposed, a conversation ensued as to whether the clerk was the proper officer to place the rate on the collector's roll.[9]

MR. PRICE said, that he believed one or more of the Judges had intimated an opinion that it was competent for the clerk of the Council to make out the rolls.[10]

MR. AT. GEN. DRAPER said, the Clerk of the Peace was, under a very old law, the officer on whom this duty devolved, and that it had not been changed.[11]

MR. GOWAN was of opinion that the Clerk of the Council was the proper officer. So it had always been held in his district.[12]

It was at length agreed that the clause should stand as it was: and that if any change was necessary in the law it should be by separate enactment.[13]

MR. AT. GEN. DRAPER intimated that he had amenments (sic) to propose in the municipal act.

The 5th and 6th sections of the same clause related to the mode of raising the balance of the school expenses, over and above the proportion of the school fund. Under the present law, these are collected by the Trustees' rate bill on the parents of the children; under the proposed bill, a quarterly rate was to be levied upon all the inagitantants (sic), not less than the amount of the school fund.

Mr. Draper - In proposing the adoption of the 6th section of the 24th clause, said - it may be objected to this section, that those who receive the benefit of the school ought to pay the extra expenses; but this principle that was now sought to be introduced was not with-

out a precedent. It was taken from the school law of Massachusetts, where it was found to work well. It was discovered by experience, that in many places the schools are kept up for three months, in order that the inhabitants might get the government allowance; the charge to the children who attend, being found too oppressive on the parents, who are willing to keep open the school for a longer period. - No principle can be more just, than that those who enjoy a benefit, should pay for it; but still nothing is more important to a community than that all should possess every facility of education, and that those who possess property should assist and pay for the education of the children of their poorer neighbours; and thus raise the lower classes in the scale of moral and intellectual beings.[14]

MR. HALL - However right this principle may be, it would be extremely unpopular. - The people now complain that they have to educate other children besides their own.[15]

MR. ERMATINGER, agreed with the hon. member (Mr. Hall). The arguments of the Attor. Gen. may be popular - make the rich pay for the education of the poor; but it will be found in practice, especially under the new assessment bill, very oppressive. The rich now pay most of the Government allowance, and it is not fair to call upon them to contribute a second time.[16]

MR. WILLIAMS. - This section will be extremely unpopular with the independent yeomanry of the country. Many individuals desire to give their children a better education than can be obtained in common schools, who can ill afford it, and upon them this section will be very oppressive.[17]

MR. BALDWIN, opposed this section because it was better to make the parents pay something for the benefit they receive, and then they would be more interested in the school.[18]

The section was then put, and lost.[19]

MR. ROBLIN objected to the clause which provided for the manner in which the Schoolmasters shall obtain the Government allowance, as giving them too much power over these funds.[20]

Some discussion ((occurred)) in which the objection of the hon. gentleman did not appear to be understood.[21]

MR. ROBLIN explained that in his part of the country, the plain simple farmers were accustomed to hire a teacher at so much per annum, paying him in wheat, potatoes, wood or what he might require; and when the Government allowance was received, they, the farmers, divided it among themselves, in proportion to the amount each had previously given to the schoolmaster; and if the clause passed as it was, it would take the grant out of their hands and give it to the schoolmaster.[22]

The explanation appeared to have the contrary effect to what the hon. gentleman desired, and the clause was passed as it stood.[23]

All of the clauses of the bill ((were)) ... adopted. -[24]

MR. D. MACDONELL, of Stormont, moved, seconded by MR. MERRITT, that the committee do reconsider the 5th section of the 12th clause, which forbids the granting of any certificate to any person as a teacher of any common school, who shall not, at the time of granting such certificate, be a natural-born or naturalized subject of Her Majesty, - and in so doing said, that many of the teachers in his part of the country, and who were highly respectable persons, were aliens; and that the clause in question would deprive them of their present situations as teachers, which were their only support. He thought the clause should be so amended as to allow these persons to continue as teachers, at least for some years to come.[25]

MR. MERRITT said, that they only wanted two or three years more, in order that these parties might, in the meantime, be enabled to get some other employment.[26]

MR. BALDWIN said, that he would like very much to see the whole country supplied by native Canadian teachers; but until we have, a sufficient number of proper persons to do so, he thought strangers should be allowed as teachers.[27]

MR. PRICE said, that if the hon. member (Mr. Draper) had stated a time in the bill after which aliens would not be allowed to act as teachers, he would be quite willing to acquiesce in the clause; but as he was not certain that they could fill their situations as well as they are now with native masters, he thought they should allow teahcers who were aliens to be employed till such time as they were able to fill their places.[28]

MR. AT. GEN. DRAPER said that it had been the law of Upper Canada for forty years, that no alien could be employed as common school teacher; and that it was only in 1841; by an indirect permission, that they were first allowed, and that law only allowed them to be employed until the first day of January, 1846.[29]

MR. MERRITT said, that the clause in the act of 1843 was passed under the supposition that the Normal School, mentioned in that act, would be immediately put in operation; and that by the first day of January, 1846, they should be able to get as many proper teachers from that school as would supply the schools now taught by aliens; that the time contemplated by that bill had not yet arrived, for that School has never gone into operation, and we have consequently been unable to get any native teachers from it able to supply the places now held by persons who are aliens. He therefore thought four or five years more should be allowed.[30]

MR. PRICE wanted time to be extended until a certain period after the Normal School should be established. And stated that if he thought there was a class of teachers of British origin in the Province able to fill the offices as well as these persons, he would be ready to vote for the clause as it now stood.[31]

MR. DUGGAN made some observations on the characters of the Ameri-

cans generally employed as teachers in the Province, stating them to be a class of very unprincipled people, of cunning and insinuating habits and manners, who were always endeavouring to instill republican notions into the heads of their scholars & into those of their parents; and stated, that he thought if the change in the law led to their expulsion, the result would be rejoiced in by a large number of the inhabitants of Upper Canada.[32]

The motion was then put, and lost.[33]

(98)

and after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Chabot reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Friday next.

Registry Laws Amendment Bill, (U.C.) — *The Order of the Day for the House in Committee, on the Bill to consolidate and amend the Registry Laws of Upper Canada, being read;*

Ordered, That the said Order of the Day be discharged.

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Duggan, Mr. Macdonald of Kingston, Mr. Prince, and the Honourable Mr. Solicitor General Sherwood to report thereon with all convenient speed; with power to send for persons, papers, and records.[34]

MR. BALDWIN - Did not think that it was proper as a general rule to refer a bill which had been before a committee of the whole, to a select committee where it seldom receives that attention which it is entitled to, the House considering that a select com. has done all that was needful. He said that when facts were to be enquired into, there could be no objection, but when it was simply to adopt amendments made in committee of the whole, to other parts of the bill.[35]

(98)

Authentic Actes Bill. — *The Order of the Day for the second reading of the Bill for better regulating the formalities of authentic Actes passed before Notaries, being read;*

Ordered, That the said Bill be read a second time on Friday next.

Assessment Bill, (U.C.) — *The Order of the Day for the House in Committee, on the Bill to regulate Assessments, and the appointment of Collectors and Assessors in Upper Canada, being read;*

The Honourable Mr. Attorney General Draper moved, seconded by the Honourable Mr. Cayley, that the said Order of the Day be discharged,

and that the said Bill be referred to a Select Committee composed of the Honourable Mr. Attorney General Draper, Mr. Roblin, Mr. Hall, Mr. Gowan, Mr. Riddell, Mr. Seymour, Mr. Williams, Mr. Petrie, and Mr. Stewart of Bytown, to report thereon with all convenient speed, with power to send for persons, papers, and records.[36]

MR. BALDWIN - Had the same objection to referring the Assessment bill to a select committee, that he had made to the reference of the Registration bill. The bill had been introduced by the administration on its responsibility, and it was a most unparliamentary course to send it to a select committee. If the hon. gentleman persevered, he (Mr. B) must request him to strike his name from the list of the committee.[37]

MR. AT. GEN. DRAPER would of course be most happy to substitute another name for that of the hon. and learned gentleman, but he must persevere in his motion. The bill was of a local character, and precisely one of those measures that it was proper to refer to a committee.[38]

MR. CAMERON was in favor of the Bill, but he was opposed to Government measures being referred to a select committee, it was shirking the responsibility; the committee have the power to alter it, and if altered, it becomes the measure of the committee and not of the Government.[39]

MR. MEYERS was reported to have voted against the principle of the bill, now this was incorrect, for he was in favor of the principle of the Bill, although opposed to some of the details. He was in favour of the present motion.[40]

(98)

The Question having been put on the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Cayley, Christie, Colville, Daly, Attorney General Draper, Ermatinger, Foster, Gowan, Hale, Hall, LeBouthillier, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Meyers, Murney, Petrie, Prince, Riddell, Robinson, Seymour, Sherwood of BROCKVILLE, Attorney General Smith, Stewart of BYTOWN, Solicitor General Taschereau, Viger, and Williams.--(27.)

NAYS.

Baldwin, Berthelot, Bertrand, Cameron, Cauchon, Chauveau, DeWitt, Johnston, Lacoste, Lafontaine, Lantier, Laurin, Macdonell of STORMONT, Merritt, Méthot, Nelson, Price, Roblin, and Taché.--(19.)

So it was carried in the affirmative, and

Ordered, That the said Order of the Day be discharged.

Resolved, The the said Bill be referred to a Select Committee composed of the Honourable Mr. Attorney General Draper, Mr. Roblin, Mr. Hall, Mr. Gowan, Mr. Riddell, Mr. Seymour, Mr. Williams, Mr. Petrie, and Mr. Stewart of Bytown, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Manufacturers. *The Order of the Day for the House in Com-*

of Lumber. *mittee on the Report of the Select Committee to which was referred the Petition of William Rogerson and others, Manufacturers of Lumber of the Province of Canada, and other references, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Petrie took the Chair of the Committee,[41]

MR. W. STEWART, of (Bytown,) moved, seconded by MR. CAMERON. That it is the opinion of this Committee, that it is desirable to amend 8 Vic. Cap. 19, in so far as ((it)) relates to the salary of the supervisor of Cullers.[42]

MR. CHABOT ... spoke at length against the resoultion, in French, ... comparing the salary with that of other public officers of more importance.[43]

MR. CHAUVEAU ((also spoke against the resolution in French,)) urging that there was a want of Cullers, and that the fees were insufficient. He (Mr. C) had made application for employment for several young men, and had been unable to procure it on this account.[44]

MR. MEYERS contended that the salary was paid by fees derived from the lumber merchants, who were all in favor of the increase, and, he thought it strange that gentlemen totally unconnected with the matter should oppose their wishes.[45]

The motion was adopted.[46]

(98)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Petrie reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Contingencies. *The Order of the Day for the House in Committee on the First Report of the Standing Committee on Contingencies, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Macdonell of Stormont, took the Chair of the Committee, and after some some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Macdonell of Stormont reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Adjournment. *Mr. Prince moved, seconded by Mr. Macdonell of Stormont, That the House do now adjourn, and the remaining Orders of the Day be postponed until to-morrow.*

The Question having been put upon the said motion, a division

ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Berthelot, Bertrand, Christie, Daly, DeWitt, Attorney General Draper, Ermatinger, Foster, Gowan, Johnston, LaFontaine, Lantier, Laterrière, Macdonald of CORNWALL, Macdonell of STORMONT, Merritt, Méthot, Petrie, Prince, Taché and Viger.--(21.)

NAYS.

Baldwin, Cameron, Cauchon, Cayley, Chabot, Chauveau, Hale, Lacoste, Laurin, LeBoutillier, Macdonald of GLENGARRY, Macdonald of KINGSTON, Malcolm, Moffatt, Murney, Price, Robinson, Roblin, Seymour, Attorney General Smith, and Stewart of BYTOWN.--(21.)

And the votes being equally divided, Mr. Speaker gave his casting vote in the negative.

Great Western Railroad Bill.

The Order of the Day for the House in Committee on the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, being read;

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Laurin reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, to-morrow.

Orders Postponed.

Mr. Christie moved, seconded by Mr. DeWitt, that the remaining Orders of the Day be postponed until to-morrow, and that they then be the first Orders of the Day.

(99)

Mr. Roblin moved in amendment, seconded by Mr. Lantier, that all the words after "to-morrow" be struck out of the said motion.

The Question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, the House divided thereon, and it was carried in the affirmative, and

Ordered, Accordingly.

Then, on motion of Mr. Gowan, seconded by Mr. Hale,

The House adjourned.

APPENDIX, 15 APRIL 1846.

((NOTICE OF RESOLUTION RE: STOPPAGE OF SALE OF CLERGY RESERVES.))[47]

MR. CAMERON introduced two resolutions, expressing the regret of the country at finding that the sale of the Clergy Reserves was stopped, and hoping for an early removal of the causes of that stoppage.[48] He stated that in ... ((introducing the resolutions)) he wished to cast no reflection upon the Government.[49]

((He would now move the resolutions.))

Resolved. - That it afforded great satisfaction to the public at large, to see it announced in the Official Gazette of the 14th March last, that the occupants and purchasers of the Clergy Reserves generally were henceforth required to pay one tenth only, instead of one fourth of the purchase money in hand, and the remainder thereof in nine, instead of four, equal annual instalments and that on lots occupied without authority, instead of interest, as required by the previous regulations, a rental was to be charged for the period of occupation before purchase, varying from 35s. to £5 5s. in Upper Canada, and from 25s. to 75s. in Lower Canada, on lots of 200 acres.

Resolved. That it is with deep regret that this House now learns by the Official Gazette of the 9th April instant, that it has been thought fit to arrest the progress of this satisfactory alteration in the system of disposing of these lands, and to issue an order to stop any further sales thereof. And this House earnestly hopes that the causes which led to the said stoppage of sales may be speedily removed, to the end that the said Clergy Reserve lands may be acquired in fee simple by the occupants, the country settled, all further agitation prevented, and the public mind quieted.[50]

The honourable member said, that the questions involved in the resolutions were interesting to both sections of the Province. It was most satisfactory to the country to find that the Clergy Reserves were put up for sale, and that the occupants had at length a chance of acquiring the right of ownership in the soil upon which they had expended so much of their means and energies. Great, then, was the surprise at the sudden suspension of this advantage. The resolutions before the House, as originally framed, were somewhat different to the present form; the alteration was made to prevent the possibility of objection.[51]

MR. AT. GEN. DRAPER entirely concurred in the principles enunciated in the resolutions, and could have no objection to them;[52] but on the contrary he would be glad to see them adopted, as they would convey the approbation of that House of the course proposed to be followed by himself and colleagues. He hoped, however, that the hon. gentleman would consent to lay the resolutions on the table for a few days, for this reason, the first report of the Commissioners appointed to examine into the affairs of the Crown Lands Department would be laid before

the Government to-morrow, and would be submitted to the House at as early a period as possible; in that report would be found the reasons why the Government had felt called on to suspend the sales for a time. In the meantime he would assure hon. gentlemen that the suspension did not arise from any dispatch from the Home Government,[53] and was in no way influenced or directed by despatches from the Home Government[54] but principally because it was found that in some districts the lands had been very much undervalued.[55]

MR. RIDDELL knew that in the county that he represented the Clergy lands were greatly undervalued, and were bought up by speculators, without any benefit to the occupants.[56]

MR. GOWAN thought the member for Oxford must be in error. Such sales as he represented would be illegal. Under the law the occupants had a right to pre-emption.[57]

MR. CAMERON consented that his resolution should lie on the table as a notice.[58]

((WITHDRAWN MOTION RE: PAYMENT OF VISITORS TO OFFICES OF NOTARIES.))[59]

MR. LAURIN moved, that the House do now resolve itself into a Committee of the whole to consider a resolution in favour of paying visitors to the offices of Notaries.[60]

MR. AT. GEN. SMITH - The hon. member (Mr. Laurin) did not chose (sic) to communicate his intention of moving this resolution to the Government, and he must not therefore complain, if they were not prepared to give their support to this resolution. The Ministry desired to have some information with respect to what these visitors would likely cost the Province. The bill that the hon. member for Lotbinière had introduced, required that the visitors should visit each Notarial office every year, and as there is now an immense number of Notaries in the different Districts of Montreal, Quebec and Three Rivers, it will require a very large mount (sic) to pay these visitors. He (Mr. Smith) hought (sic) that the Board, which it was intended to establish, would render it unnecessary in a great degree, to appoint visitors. If the hon. member (Mr. Laurin) would leave it to the option of the Executive to appoint visitors or not, he (Mr. Smith) would consent to such a motion.[61]

MR. LAURIN - The visitors would not cost more than £800.[62]

MR. SOL. GEN. SHERWOOD - would vote against the motion unless a member of the Government would rise in his place and state that it had the consent of the Administration, as otherwise it was a direct infringement of the Union Act.[63]

MR. MOFFATT - was desirous of adhering strictly to the Union Act. The Government must be that Act, take the initiative in all money grants, but by this motion, the initiation was delegated to the hon.

member for Lotbiniere. He (Mr. Moffatt) enquired of the Speaker if it was proper to put this resolution without the consent of the Government?[64]

MR. DRUMMOND - considered that this question was not a proper one to put to the Speaker; it was a question for the House to decide. He (Mr. D.) agreed with the hon. member for Montreal, that this resolution could not be put to the House without the consent of the Administration. He (Mr. D.) would state to the members from Upper Canada, that the office of a Notary was the most important in the country. The Notaries execute all the conveyances of property and most of the Wills, and their documents have authenticity, and bear hypothec from the moment of their execution. It is a matter therefore, of the highest importance, that the Notaries should be men of education and their duties strictly attended to.[65]

MR. LAFONTAINE - enquired of the Speaker if the motion had not been modified with the consent of the Attorney General?[66]

MR. SPEAKER, MR. MORIN, - The motion was discussed between the Attorney General and the hon. member for Lotbiniere, but he did not know whether it was agreed to or not by the Attorney General.[67]

MR. LAFONTAINE - The object of the hon. member for Lotbiniere was to give effect to the existing law and not to change it. It was now the duty of the Attorney General to visit all the offices of the Notaries, but they had become so numerous that it was impossible for him to do so. The profession of the Notaries was the most important in the country, more so than even the legal profession.[68]

MR. LAURIN - considered himself to have been badly treated with respect to this matter; he (Mr. Laurin) had withdrawn his bill in order that this resolution might be proposed in Committee of the whole, and now he was told that he could not propose it at all.[69] ((He withdrew the motion.))

FOOTNOTES - 15 APRIL 1846.

1. The debate on this motion was reported by: CHATHAM GLEANER, 28 April 1846, and COBOURG STAR, 22 April 1846, in identical accounts; and LA MINERVE, 16 April 1846, and LE JOURNAL DE QUEBEC, 21 April 1846, in identical accounts.
2. CHATHAM GLEANER, 28 April 1846.
3. LA MINERVE, 16 April 1846.
4. IBID. There is no member for Peterborough.
5. CHATHAM GLEANER, 28 April 1846.
6. IBID.
7. The debate on this matter was reported by: PILOT, 18 April 1846, MIRROR, 15 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in identical accounts; COBOURG STAR, 22 April 1846; and LA MINERVE, 16 April 1846, which noted the debate. There is a commentary in PILOT, 16 April 1846. The PILOT, 16 April 1846, noted: "The House was occupied the greater part of the evening with the Common School Bill of Upper Canada, which was materially amended."
8. MIRROR, 15 April 1846.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. COBOURG STAR, 22 April 1846.
21. IBID.
22. IBID.
23. IBID.
24. MIRROR, 15 April 1846.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. The debate on this matter was reported by: MIRROR, 15 April 1846, and PILOT, 18 April 1846, in identical accounts.
35. MIRROR, 15 April 1846.
36. The debate on this motion was reported by: MIRROR, 15 April 1846, and PILOT, 18 April 1846, in identical accounts. There is a commentary

in LE JOURNAL DE QUEBEC, 21 April 1846.

37. MIRROR, 15 April 1846.
38. IBID.
39. IBID.
40. IBID.
41. The debate on this matter was reported by: MIRROR, 15 April 1846, and PILOT, 18 April 1846, in identical accounts.
42. MIRROR, 15 April 1846.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. The debate on this matter was reported by: MIRROR, 15 April 1846, PILOT, 18 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in identical accounts; COBOURG STAR, 22 April 1846; and PILOT, 16 April 1846, whose account was copied by BROCKVILLE RECORDER, 23 April 1846.
48. MIRROR, 15 April 1846.
49. COBOURG STAR, 22 April 1846.
50. PILOT, 16 April 1846.
51. MIRROR, 15 April 1846.
52. IBID.
53. COBOURG STAR, 22 April 1846.
54. MIRROR, 15 April 1846.
55. COBOURG STAR, 22 April 1846.
56. MIRROR, 15 April 1846.
57. IBID.
58. IBID.
59. The debate on this matter was reported by: LA MINERVE, 20 April 1846, MIRROR, 15 April 1846, and PILOT, 18 April 1846, in identical accounts, except that in LA MINERVE some speeches have been omitted entirely. There is a commentary in LE JOURNAL DE QUEBEC, 18 April 1846.
60. MIRROR, 15 April 1846.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.

(99)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Riddell,--The Petition of George Chambers and others, members of the United Church of England and Ireland, in Ingersoll West, and North Oxford, in the Diocese of Toronto.

By the Honourable Mr. Baldwin,--The Petition of Thomas Moshier and others, of the Township of Whitchurch, in the Home District; the Petition of Samuel Harrold, Esquire, and others, of East Gwillimbury; the Petition of Luther H. Cronk and others, of the Township of Whitby; the Petition of Norman Jones and others, of the Townships of Whitchurch and Markham, in the Home District; the Petition of Christopher Coulthard and others, of the Township of Brock, in the Home District; the Petition of Irvine Johnston and others, of the Township of Brock, in the Home District; and the Petition of Archibald M'Millan and others, of Thorah, in the Home District.

By the Honourable Mr. Moffatt,--The Petition of J. J. Maitland and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and the Petition of James Ferrier, Esquire, Mayor, and others, members of the Municipal Council of the City of Montreal.[1]

By the Honourable Mr. Robinson,--The Petition of the Reverend J. M'Grath, A.M. and others, members of the United Church of England and Ireland, in a part of the Township of Toronto, in the Diocese of Toronto; and the Petition of W. Simpson and others, members of the United Church of England and Ireland, in the Townships of Tay and Tiny.

By Mr. Stewart of Bytown,--The Petition of Richard Griffith and others, of the County of Ottawa, in Lower Canada.

By Mr. Lantier,--The Petition of the Reverend James Pyke and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Bertrand,--The Petition of Louis Bertrand, Esquire, Mayor and others, the Municipal Council of the Parish of St. Jean Bte. de L'Isle Verte; and the Petition of Philippe Renouf, Esquire, Mayor and others, Councillors of the Municipality of Notre Dame des Neiges des Trois Pistoles, in the County of Rimouski.

By Mr. Price,--The Petition of David Coutts and others, of the Township of Chinguacousy, in the Home District; and the Petition of Andrew Buckham and others, of the Township of Chinguacousy, in the Home District.

By Mr. Hale,--The Petition of M. Townsend and others, the Board of Directors of the Clarenceville Academy, in the County of Rouville.

By the Honourable Mr. Aylwin,--The Petition of Adolphus Jacquies, formerly Printer and Proprietor of the Paper called "Le Fantasque."

By Mr. Laurin,--The Petition of M. Noel Tousignant, of the County of Lotbinière; the Petition of Jean Villers, Esquire, and others, of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, in the District of Quebec; and the Petition of Captain J. Rival and others, of Ste. Croix, Lotbinière, and other Parishes.

By Mr. Macdonald of Glengarry,--The Petition of George S. Tiffany, Esquire, and others.

By Mr. Prince,--The Petition of Robert Mercer and others, of the Town of Chatham and its vicinity, in the Western District.

Petitions read. *Pursuant to the Order of the Day, the following Petitions were read:--*

Of William Leslie, Senior, and others, members of the United Church of England and Ireland, of the Townships of Moore and Sombra; and of the Reverend Thomas Smith Kennedy, and others, members of the United Church of England and Ireland, in the Townships of Darlington and Clarke, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Toronto Board of Trade; praying for the adoption of measures to secure a reduction of the present rates of Postage in the Province.

Of Samuel Solmes, Esquire, and others, of the District of Prince Edward; complaining of the removal of the semi-annual Assize Court of Oyer and Terminer and General Gaol delivery, and praying relief.

Of John Tipping and others, inhabitants of the District of Simcoe; praying for aid to complete a certain Road in the Township of Orillia.

Of Chester Draper and others, of Cartwright, Mariposa, and other Townships; praying for aid to improve a certain Road leading to the Village of Prince Albert and Lake Scugog, in the Township of Reach.

Of Peter Perry and others, inhabitants of Whitby and other Townships; praying for aid to open a Road from the 5th Concession of the Township of Reach to the Narrows of Lake Simcoe.

Of Joseph Gould and others, of the Township of Uxbridge, in the Home District; praying that no division be made of the Clergy Reserve Lands, but that the proceeds thereof may be appropriated to the promotion of general education.

Of the President, Directors, and Company of the Gore Bank; praying for a repeal or reduction of the tax imposed upon Bank Paper in circulation.

Of George J. Grange and Thomas Hodgskin, on behalf of a Public Meeting held in the Town of Guelph, in the District of Wellington; praying for alterations in the Charter of King's College, and that no division be made of the Clergy Reserve Lands.

Of S. B. Caldwell and others, Leather Manufacturers and Leather Dealers; praying that no reduction may be made in the present rate of duty on Leather and Leather Manufactures.

Of William Gamble and others, of the Home District; praying for an Act to incorporate the "Dundas Street and Sixth Line Road Company."

Petitions referred:
W. Steel, et al.
N. Bosworth, et al.
Canada Baptist Union.
D. Mathison, et al.
Inhabitants of Guelph.

Ordered, That the Petition of William Steel and others, inhabitants of the Townships of Scarborough and Pickering; the Petition of Newton Bosworth and others, members of the Baptist Church in Paris, Upper Canada; the Petition of J. M. Cramp, in behalf of the Canada Baptist Union (100) Petition of Donald Mathison and others, of the Congregation of Richmond, belonging to the Presbyterian Church of Canada, in connection with the Church of Scotland; and the Petition of George J. Grange and Thomas Hodgskin, on behalf of a Public Meeting held in the Town of Guelph, in the District of Wellington; be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell.

Rev. A. F. Atkinson, et al.
Rev. T. Kennedy, et al.

Ordered, That the Petition of the Reverend A. F. Atkinson and others, members of the United Church of England and Ireland, in the Township of Grantham, in the District of Niagara, in the Diocese of Toronto; and the Petition of the Reverend Thomas Kennedy and others, members of the United Church of England and Ireland, in the Townships of Darlington and Clarke, in the Diocese of Toronto; be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references.

Gore Bank.

Ordered, That the Petition of the President, Directors, and Company of the Gore Bank, be referred to the Select Committee to which was referred the Petition of the Bank of Upper Canada, and other references.

John Dillon, et al.

Ordered, That the Petition of John Dillon and others, of the Parish of Longue Pointe and its vicinity, be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other references.

T. G. Ridout, Esq. et al.

Resolved, That the Petition of Thomas Gibbs Ridout, Esquire, and others, members of the Toronto Mechanics' Institute, be referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, Mr. Boulton, and Mr. Duggan, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Chiefs and

Mr. Macdonell of Dundas, from the Select

Warriors. Committee to which was referred the Petition of Wishe Tegarehontie and others, Chiefs and Warriors, Iroquois, Algonquins, and Nepissings, of St. Regis and other places, presented to the House the Report of the said Committee, which was again read at the Clerk's table.

(For the said Report, see Appendix V.)

Ordered, That the said Report be committed to a Committee of the whole House on Monday next.

Merchants of Quebec. The Honourable Mr. Aylwin, from the Select Committee to which was referred the Petition of James Dean, Esquire, and others, Merchants of Quebec, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee after having examined the contents of the Petition and of the evidence in support of the same, are respectfully of opinion that the prayer therein contained should be granted.

Quebec Forwarding Company Bill. Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill to incorporate certain persons under the name of "The Quebec Forwarding Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Railroad Bills. The Honourable Mr. Robinson, from the Select Committee on Railroad Bills, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table.

(For the said Report, see Appendix R.)

Ordered, That the Honourable Mr. Robinson have leave to bring in a Bill to consolidate in one Act certain provisions usually inserted in Acts authorizing the making of Railways.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Private Bills. Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Seventh Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Montreal St. Patrick's Society. Your Committee have considered the Petition of the Honourable Francis Hincks and others, praying that the St. Patrick Society of Montreal may be incorporated, and they beg leave to recommend the prayer of the Petition.

Cobourg Paper They have also considered the Petition of Pat-

Manufacturing Company. rick Wallace and others, of Cobourg, praying to be incorporated as a Company for the manufacture of Paper, and while they now recommend that the prayer of the Petition be granted, they beg, at the same time, to call the attention of the House, as was done by the Standing Committee on Private Bills during the last Session, to the provision introduced into Bills incorporating private companies, limiting the liability of shareholders to the unpaid capital; and, in cases in which your Honourable House may see fit to manitain such provision, they respectfully recommend that the companies incorporated be required to publish annually a statement of affairs, and a list in full of their shareholders.

Granby Harbour Company. They have also had under their consideration the Petition of William Rowe and others, praying for the passing of an Act to incorporate them as the "Granby Harbour Company," and have to Report thereon, that although notice of the intention of the Petitioners appears to have been published in the Canada Gazette, for a period exceeding that prescribed by the rules of the House, the same notice does not appear to have been inserted in any newspaper published in the District.

Montreal Gas Company. They have also examined the Petition of Thomas Molson, Esquire, and others, praying to be incorporated for the purpose of supplying the City of Montreal with Gas; and they have to report with reference thereto, that although notice of the intention of the Petitioners has been duly published in the Canada Gazette, published in the District of Montreal, it does not appear that any such notice has been affixed to the Church doors of the Parish; and should your Honourable House see fit to overlook the omissions adverted to in the case of the present Petition, and that of William Rowe and others, above reported upon, they recommend that the prayers of the said Petitions be severally granted.

Niagara District Town, (site of.) Mr. Cummings, from the Select Committee, to which were referred, that part of the Entries in the Journals of the Session of 1843, containing the Petition of the Municipal Council of the District of Niagara, upon the selection of a site for a new District Town; the Petition of John Harris and others, inhabitants of Grimsby and other Townships, in the Niagara District; and the Reports of the Select Committee, to which the same were referred, and other references, with power to report from time to time; presented to the House the First Report of the said Committee, which was again read at the Clerk's

(101)

table, and is as followeth:--

Your Committee have taken into consideration the various references submitted to them, and after a careful investigation and examination of the subject, are of opinion, that the Municipal Council, respresenting, as they do, the whole body of the District of Niagara,

and having come to an almost unanimous conclusion as to the absolute necessity of removing the present site of the District Town to a more central position, in order that the interests of the inhabitants may be placed upon a more equitable footing, not only as regards public convenience, but also the expenses necessarily attendant upon the administration of justice, situated as the Town now is, at an extreme point of the District.

Your Committee further beg to state, that Petitions from the several Townships in the District, numerously signed, have been referred to your Committee, respectfully and strongly praying your Honourable House for the removal of the site from its present position.

Your Committee also find, that a Report was made by a Select Committee of your Honourable House at its last Session, recommending that the site of the District Town aforesaid might be removed to Port Robinson.

From the expression of the Municipal Council, emanating as it does from a body representing the interest, and the well understood wishes of the people, and now strengthened by Petitions from the several Townships to the same effect;--your Committee cannot do otherwise than strongly and respectfully recommend the prayer of the Petitioners to the favourable consideration of your Honourable House, and that leave may be granted to introduce a Bill to remove the site of the present District Town to Port Robinson, as a convenient place; and to provide for the erection of public buildings thereon.

Bill. *Ordered, That Mr. Cummings have leave to bring in a Bill to remove the site of the District Town of the District of Niagara to Port Robinson, in the Township of Thorold.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Bills of Exchange Bill (Inland.) *Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to amend the Law regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof.*

He accordingly presented the said Bill to the House,

MR. MOFFATT.--The Hon. gentleman, Mr. Moffatt, stated that the object of these Bills was to assimilate the law affecting Notes and Bills of Exchange, in Upper and Lower Canada, and to do away with damages upon protest between the two sections.[2]

(101)

and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Bills of Exchange Bill *Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to amend the Law*

(Foreign.) relative to Damages on Protested Foreign Bills of Exchange.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Returns to Addresses. The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Administrator of the Government,

Quebec Turnpike Accounts, &c. Return to an Address of the Legislative Assembly to His Excellency, the Administrator of the Government, dated the 24th ultimo, praying that His Excellency will be pleased to cause to be laid before the House, "Copies of all Accounts, Reports, Statements, and Documents, thereto relating, which may have been transmitted to the Head of the Government, from and since the month of November, 1844, to the present day, by the Trustees of the Quebec Turnpike Trust, pursuant to the Ordinance and Statutes relating thereto."

(For the said Return, see Appendix M.)

Also,

Rebellion Losses, (L.C.) Return to an Address of the Legislative Assembly to His Excellency, the Administrator of the Government, dated 8th instant, praying that His Excellency will be pleased to cause to be laid before the House "a copy of all correspondence which may have taken place between the Government and the Commission now appointed to inquire into the losses sustained by the inhabitants of Lower Canada during the late Rebellion, with the instructions given to the said Commissioners."

SECRETARY'S OFFICE,
Montreal, 12th December, 1845.

SIR,

Correspondence relative to Commission of Enquiry into Rebellion Losses, (L.C.) I have the honour, by command of the Administrator of the Government, to transmit to you, the accompanying Commission, appointing yourself, the Honourable P. H. Moore, and Jacques Viger, John Simpson, and Joseph U. Beaudry, Esquires, to be Commissioners for Enquiry into the Losses sustained by Her Majesty's subjects during the unhappy troubles in Lower Canada of the years 1837-8; and also arising from and growing out of the same. And I am to inform you, that His Excellency has been pleased to appoint Mr. J. G. Barthe to be Secretary to the Commission. The necessary instructions for the guidance of the Commissioners are transmitted to you herewith.

I am accordingly to express to you His Excellency's wish, that you should lose no time in communicating on the subject with your

fellow Commissioners, and making the necessary arrangements for entering with them on the active prosecution of the labours of the Board. The remuneration of each Commissioner will be at the rate of one pound per diem while actually engaged in the Enquiry, or in travelling in pursuance of it.

I have, &c.

(Signed) D. DALY,
Secretary.

Honourable JOSEPH DIONNE,
&c. &c. &c.
St. Pierre les Becquets,
District of Three Rivers.

Montreal, 12th December, 1845.

GENTLEMEN,

His Excellency, the Administrator of the Government, having been pleased to appoint you to be Commissioners for inquiring into the Losses sustained by the inhabitants of that portion of this Province formerly Lower Canada during the late unhappy Rebellion therein, as also into the Losses sustained by those inhabitants arising out of that Rebellion, I have the honour, by command of His Excellency, to transmit the following Instructions for your guidance in conducting your inquiry.

1st. You will, in the performance of the duties devolving upon you, under the present Commission, carefully classify the cases of those who may have joined in the said Rebellion, or may have been aiding and abetting therein, from the cases of those who did not; stating particularly, but succinctly, the nature of the loss sustained in each case, its amount and character, and as far as possible its cause.

2d. You will abstain from entering into the consideration of any cases which may have been reported upon by the Commissioners formerly appointed to examine into the Rebellion Lossess. To enable you to

(102)

do this, the Reports made by them will be furnished to your Secretary, on his making application in your behalf for the same.

3d. You will accompany your Report on the claims investigated by you with such remarks as may be necessary to a perfect understanding of the matters entrusted to your investigation, in order that the same may be submitted to the Provincial Legislature at its approaching Session.

I have, &c.

(Signed) D. DALY,
Secretary.

The Commissioners of Enquiry.

PROVINCE OF CANADA. } [L. S.] METCALFE.

His Excellency, the Right Honourable Charles Theophilus Baron Metcalfe, of Fernhill, in the County of Berks, G.C.B., one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

To all whom these presents shall come, or whom the same may concern.

GREETING:--

Know Ye, that reposing trust and confidence in the loyalty, integrity, prudence, and ability of the Honourable Joseph Dionne, and the Honourable Philip H. Moore, Esquires; and Jacques Viger, John Simpson, and Joseph U. Beaudry, Esquires, I have nominated, constituted, and appointed, and by this Instrument, under my hand and seal, do nominate, constitute, and appoint the said Joseph Dionne, Philip H. Moore, Jacques Viger, John Simpson, and Joseph U. Beaudry, to be Commissioners for Inquiry into the Losses sustained by Her Majesty's loyal subjects in that part of the Province of Canada which formerly constituted the late Province of Lower Canada during the late unnatural Rebellion which unhappily existed in that part of the said Province, and arising from and growing out of the said Rebellion: To have and to hold the said office of Commissioners as aforesaid, unto them, the said Joseph Dionne, Philip H. Moore, Jacques Viger, John Simpson, and Joseph U. Beaudry, for and during pleasure; together with all, and every the rights, authroities, and emoluments thereunto belonging or appertaining.

Given under my Hand and Seal at-Arms, at Montreal, in the said Province of Canada, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and forty-five, and in the ninth year of Her Majesty's Reign.

By His Excellency's Command,
(Signed) D. DALY,
Secretary.

The following letter was addressed respectively to the Honourable P. H. Moore, St. Armand West, District of Montreal; Jacques Viger, Esquire, Montreal; John Simpson, Esquire, Coteau-du-Lac; and Joseph U. Beaudry, Esquire, Montreal.

SECRETARY'S OFFICE,
Montreal, 12th December, 1845.

SIR,

I have the honour, by command of the Administrator of the Government, to inform you that a Commission has been, by this day's post, transmitted to the Honourable Joseph Dionne, appointing that gentleman (yourself, and Messrs. Jacques Viger, John Simpson, and Joseph U. Beaudry) to be Commissioners for Inquiry into the Losses sustained by Her Majesty's subjects during the unhappy troubles of Lower Canada of the years 1837-8; and also arising from and growing out of the

same. And I am to inform you, that His Excellency has been pleased to appoint Mr. J. G. Barthe to be Secretary to the Commission. The necessary instructions for the guidance of the Commissioners are this day sent to the Honourable Mr. Dionne, and a copy of them is enclosed herewith for your information.* I am accordingly to express to you His Excellency's wish, that you should lose no time in communicating on the subject with your fellow Commissioners, and making the necessary arrangements for entering with them on the active prosecution of the labours of the Board.

The remuneration of each Commissioner will be at the rate of one pound per diem while actually engaged in the enquiry, or in travelling in pursuance of it.

I have, &c.
(Signed) D. DALY,
Secretary.

OFFICE OF LOSSES, 1837-8,
Wardrobe of the Legislative Assembly,
Montreal, 11th February, 1846.

SIR,

I have the honour to transmit to you, by order of the Commissioners to enquire into the Losses sustained by Her Majesty's subjects during the troubles of 1837-8, to be submitted to His Excellency, the Administrator of the Province, the following questions, the answer to which will serve as their guidance in the execution of the duties imposed upon them.

The Instructions of the 12th December last, transmitted to the Commissioners, differing essentially from the tenor of the Commission by which they have been appointed, as to the persons who have a right to indemnification.

What are the powers conferred on the Commission to establish the Classifications required by the Instructions?

What are the powers conferred on the Commissioners to call before them the necessary witnesses, and to procure the necessary evidence, in order to obtain an exact valuation of the Losses?

Are the Commissioners to travel to the different parts of the District, in order to accomplish the object of the Commission?

Is the remuneration of the Secretary left to the discretion of the Commissioners, or reserved for the decision of His Excellency?

I have, &c.,
(Signed) J. G. BARTHE,
Secretary Commission of Enquiry, &c.

To the Honourable D. DALY,
&c. &c. &c.

---

* See Instructions to the Commissioners of Inquiry.

SECRETARY'S OFFICE,
Montreal, 27th February, 1846.

GENTLEMEN,

The Administrator of the Government having had under consideration in Council the Queries addressed in your behalf by your Secretary, in his letter of the 11th instant, I have received His Excellency's commands to communicate to you the following Replies for your instruction and guidance:--

1st. In making out the Classification called for by your Instructions of the 12th December last, it is not His Excellency's intention that you should be guided by any other description of evidence than that furnished by the sentences of the Courts of Law.

2d. His Excellency considers that you have no power as Commissioners to call either for persons or papers; and that you must, therefore,

(103)

be satisfied with such general evidence as the Claimants may produce, or as may enable you to form a general estimate of the Losses they have suffered.

3rd. The object of the Executive Government in appointing your Commission, being merely to obtain a general estimate of the Rebellion Lossess, the particulars of which must form the subject of more minute inquiry hereafter, under Legislative authority, His Excellency cannot regard it as necessary that you should travel to the country parts of the District to obtain such particulars.

4th. His Excellency has been pleased to fix the rate of your Secretary's remuneration at one pound currency per diem.

I have, &c.
(Signed,) D. DALY.
Secretary.

Commissioners of Enquiry
relative to Losses,
in 1837-8.

(Immediate.)
SECRETARY'S OFFICE,
Montreal, 2nd April, 1846.

GENTLEMEN,

I have the honour, by command of the Administrator of the Government, to request from you, with the least possible delay, your Report upon the subject of your Inquiry; His Excellency being desirous to be enabled, by its receipt, to come to an early decision as to the course to be taken by the Executive during the present Session of Parliament, in regard to the same.

I have, &c.
(Signed,) D. DALY,
Secretary.

Commissioners of Indemnity Inquiry.

And also,

Registry Offices. — *Reports of the Inspectors of the Registry Offices for the Districts of Quebec and Gaspé, and for the Districts of Montreal, Three Rivers and St. Francis.*

(For the said Reports, see Appendix B.)

Rebellion Losses. — *Ordered, That the Return relating to the correspondence on the subject of the late Rebellion Losses, be printed for the use of the members of this House.*

On motion of Mr. Stewart of Bytown, seconded by Mr. Monro,

Gloucester Gore Bill. — *Ordered, That the Engrossed Bill from the Legislative Council, intituled, "An Act for defining and establishing the course of the side lines of lots in the Gore of the Township of Gloucester, in the District of Dalhousie" be now read a second time.*

The said Bill was read accordingly.

Ordered, That the said Bill be read a third time on Monday next.

Montreal Turnpikes. — *Ordered, That Mr. Gowan be added to the Select Committee to which was referred the Petition of E. Guy and others, residing on the Lower Lachine Road, and other references.*

MR. DUGGAN[3] moved that the Bill for the relief of Juliet Vanzandt, wife of Jacob S. Vanzandt, who claims as sister of the half blood of Richard Duncan, late of Williamsburgh, in the Eastern District of this Province, be read a second time.[4]

MR. G. MACDONELL of Dundas - He objected to the motion, as this bill would go to subvert the titles of a great number of persons in the County of Dundas; there was more in the bill than meets the eye at first sight, it was for the purpose of vesting this person as next heir, in the rights of a person who had died intestate and whose property had been escheated to the Crown in the absence of legal heirs. The measure was fraught with injustice, and he felt himself bound to apprise the house of its injustice and to ask it to interpose, to prevent the people from being deprived of possession of lands in favour of a person who had never proved herself to be the next heir, and who might have recourse to a Court of Justice and bring action of ejectment to obtain the lands if she thought she was entitled to them. He was not aware that the man's estate was ever forfeited to the Crown; the late Captain Duncan left the country and died in the United States, having previously sold some of his land, other parts of his property not claimed after his death, and which had been taken pos-

session of by a number of parties who held possession for a long time, but after a long lapse of time two heiresses representing themselves to be the next heirs of this old revolutionary officer appeared, and they brought actions of ejectment to recover these lands, and they had successfully prosecuted their claim and turned parties out of the land, although the people opposed their claims upon every ground, alleging them not to be the true heirs of the late Captain Duncan; and these parties then endeavoured to establish that the title was in the person now petitioning for this act and they failed, for the Courts decided that these two persons were the true heirs of Captain Duncan. The hon. member then referred to some of these cases, and concluded by stating that the present act would tend to overturn the decisions of the Court; and as he did not think they should grant a bill he would move an amendment that it be read this day 6 months instead of to-day.

Mr. McDonald of Dundas, then moved in amendment, seconded by MR. R. MACDONALD of Cornwall, that the bill be not now read, but that it be read this day six months.[5]

MR. R. MACDONALD of Cornwall - said that he was acquainted with the facts that the member for Dundas had stated, that they were correct; and that it would be productive of bad consequences to allow the bill to pass, that the whole county of Dundas would petition against the measure if they knew it was before the House, and he enquired whether any notice had been given of this bill which was a private one?[6]

MR. DUGGAN - said he did not know whether any notice had been given or not, but that it was his intention after the bill had been read, to refer it to Committee on private bills who would see that the rules of the House had been complied with.[7]

((Some other members made)) a few remarks.[8]

MR. DUGGAN said that he was not acquainted with the circumstances on which the bill was founded and that he would move that the bill be read a second time on Wednesday next, by which time he would be prepared to answer objections to the bill.[9]

MR. G. MACDONELL of Dundas then withdrew his motion in amendment, and gave notice that he would move that the said bill be thrown out next Wednesday[10].

(103)

On motion of Mr. Duggan, seconded by Mr. Webster,

Vanzandt's Relief Bill.

Ordered, That the Engrossed Bill from the Legislative Council, intituled, "An Act for the relief of Juliet Vanzandt, wife of Jacob L. Vanzandt, who claims as sister of the half-blood of Richard Duncan, late of Williamsburgh, in the Eastern District of this Province," be read a second time on Wednesday next.

On motion of Mr. Sherwood of Brockville, seconded by Mr. Stewart

of Bytown,

Brockville Town Lot Bill. — Ordered, That the Engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Devisees and Trustees of the will of the late Honourable Charles Jones, to convey a town lot therein mentioned, to the President and Board of Police of Brockville, for the uses and purposes therein mentioned;" be read a second time on Monday next.

On motion of Mr. Sherwood of Brockville, seconded by Mr. Stewart of Bytown,

School Sites Bill, (U.C.) — Ordered, That the Engrossed Bill from the Legislative Council, intituled, "An Act to provide for vesting in the Trustees, the sites of Schools, in that part of this Province called Upper Canada," be read a second time on Monday next.

Standing Rule dispensed with. — Mr. Williams moved, seconded by Mr. Petrie, that the Rule of this House, which requires a notice to be published in a newspaper of the District in which any application be made for a private Bill, be dispensed with, as far as relates to the Petition of William Rowe and others, of the Townships of Clarke and Hope, in the District of Newcastle, praying for the passing of an Act to incorporate "The Granby Harbour Company."

The Question having been put on the said motion, a division ensued, and it was carried in the affirmative, and

Ordered, Accordingly.

Member Excused from serving on a Committee. — Ordered, That the Honourable Mr. Cayley be excused from sitting on the Select Committee to which was referred the Petition of William Wickes, A.M., and Edward Chapman, B.A., of the City of Montreal; and another reference.

Member added to Committee. — Ordered, That Mr. Lantier be added to the Standing Committee on Private Bills.

Brockville Police. — Mr. Foster, from the Committee of the whole House, to take into consideration the propriety of amending an Act passed in the second year of the Reign of His late Majesty, William the Fourth, establishing a Board of Police in the Town of Brockville; and also the Laws relating to Assessments and Statute Labour of that part of this Province called Upper Canada, so far as they relate to the said Town; reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend an Act passed in the second year of the Reign of His late Majesty, King William the Fourth,

establishing a Board of Police in the Town of Brockville; and also the Law relating to Assessments and Statute Labour of that part of the Province called Upper Canada, so far as they relate to the said Town.

Bill. Ordered, That Mr. Sherwood of Brockville, have leave to bring in a Bill to provide for an Assessment of real and personal Property in the Town of Brockville, according to the annual value or rental thereof, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Lumber Manufacturers and Supervisor of Cullers. Mr. Petrie, from the Committee of the whole House, on the Report of the Select Committee to which was referred the Petition of William Rogerson and others, Manufacturers of Lumber of the Pro-

(104)

vince of Canada, and other references, reported, according to Order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth:--

Resolutions. 1. Resolved, As the opinion of this Committee, that it is expedient to amend the Act of the 8th Victoria, ch. 49, intituled, "An Act to regulate the Culling and Measurement of Timber, masts, spars, deals, staves, and other articles of a like nature, and to repeal a certain Act therein mentioned;" in so far as the said Act relates to the Salary of the Supervisor of Cullers appointed under the authority of the said Act.

2. Resolved, As the opinion of this Committee, that it is expedient to amend the 21st Section of the said Act, by providing that the Supervisor of Cullers shall hereafter be entitled to receive a sum of five hundred pounds currency, as an annual Salary for his services, exclusive of all his expenses, and in lieu of the Salary heretofore allowed by the said 21st section.

On motion of Mr. Stewart of Bytown, seconded by Mr. Meyers,

Ordered, That the Question of Concurrence be now separately put upon each of the said Resolutions.

And the First of the said Resolutions being again read, and the Question of Concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Bertindot, Bertrand, Brooks, Cameron, Cauchon, Cayley, Christie, Colville, Cummings, Daly, Dickson, Attorney General Draper, Drummond, Ermatinger, Foster, Gowan, Hale, Lacoste, LeBoutillier, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARY, Macdonell of DUNDAS, Papi-

neau, Petrie, Price, Prince, Robinson, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Viger, Webster, and Woods.--(39.)

NAYS.

Baldwin, Chabot, DeWitt, Franchère, Johnston, LaFontaine, Lantier, Laterrière, LeMoine, Macdonell of STORMONT, Merritt, Méthot, Solicitor General Taschereau, and Thompson.--(14.)

So it was carried in the affirmative.

The Second of the said Resolutions being again read, and the Question of Concurrence being put thereon, the House again divided, and the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative, and

Resolved, That this House doth concur with the Committee in the said Resolutions.

Ordered, That Mr. Stewart of Bytown have leave to bring in a Bill to increase the Salary of the Supervisor of Cullers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Contingencies. *Mr. Macdonell of Stormont, from the Committee of the whole House, on the First Report of the Standing Committee on Contingencies, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:*

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to issue his Warrant in favour of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five Thousand Pounds, Currency, towards defraying the Contingencies of this House, and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Gaspé Administration of Justice Bill. *The Order of the Day for the House in Committee on the Bill for the better administration of Justice in the General Sessions of the Peace for Gaspé, and to prevent charges upon the Treasury of the Province for unnecessarily summoning Jurors thereto, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Macdonell of Dundas took the chair of the Committee,[11]

MR. CHRISTIE. - This bill is introduced for the purpose of re-

ducing the expense of the administration of justice in Gaspé. On two occasions a grand jury was summoned to attend the Court of Quarter Sessions at an expense to the province of £34, when there was no business to come before them. This had put the people to great trouble and inconvenience, and no good results from it. He proposed, that before a precept of summoning a grand jury, is issued, it must be signed by a District Judge, along with three magistrates, and they are not to sign the precept, unless there is some business to come before the Court. This bill throws the onus of issuing the prescript, upon the District Judge. If the system already in operation was continued it would cost the province £150 or £200 per annum, and be of no benefit to the people of Gaspé.[12]

MR. PRES. EX. COUN. VIGER. - Objected to giving so much power to the District Judge; it was placing the right and liberties of British subjects in the hands of one man, and he did not think that such a power was given to any Judge in any part of the British dominions.[13]

MR. CHRISTIE. - Being acquainted with the circumstances of Gaspé better than any other individual in this House, except his friend the member for Bonaventure, he (Mr. C.) knew that such a power was required to be exercised by some one, for he wished to stop the jobbing that was going on; but if his venerable friend the President of the council would bring the whole authority of the Ministry against him, he must, he supposed, withdraw his bill. Mr. Christie read the 18th section of 7 Victoria Chapter 17, which enacts that Grand and Petty jurors should not be summoned to attend the Court of Queen's Bench unless by special order of the Court. The principle has been thus admited (sic) by the Legislative and he (Mr. C.) only wished to apply it to the Quarter Sessions, as well as the Queens (sic) Bench. He (Mr. C.) would ask where is the judge who would dare to refuse to sign a prescript, when there was business to come before the Court? If there should be such a one this House would soon cause him to be impeached.[14]

MR. SOL. GEN. TASCHEREAU. - Approved of the Bill on account of the peculiar situation of Gaspé.[15]

The different clauses were put and carried ... without amendment.[16]

(104)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Macdonell of Dundas reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Railroads. *The Order of the Day for the House in Committee on the First Report of the Select Committee on Railroad Bills, on the Bill to extend the provisions of the Act of Upper Canada incorporating the "Niagara and Detroit Rivers Railroad*

Company," being read;
The House accordingly resolved itself into the said Committee.
The Honourable Mr. Laterrière took the chair of the Committee,[17]

COL. PRINCE[18] said it had now fallen upon him to enter into the discussion of the bill, which was a very important one to the country, and to the private interests of his constituents. He came before the committee[19] to advocate the claims of the Niagara and Detroit Railroad Company[20], upon the recommendation of the special committee of railroads, who have investigated into, and approved of the bill; he came also upon the strength of the petitions of thousands of substantial landholders in his part of the country[21], who had given up their lands for the purpose of allowing the line to run over them. This bill he said, was supported by thousands of petitioners, and though the intended applications had been advertised for a very long time, yet there was no opposition from any of the people who resided in the neighbourhood.[22] Not one single petition was to be found on the table of the House against it[23]. That fact was of itself sufficient to induce the Committee to grant the boon which he demanded[24], a renewal of the charter.[25] He would now lay before the House a few important facts, as they really stood, without passion or prejudice, in order to induce members[26], on both sides of the House[27], unacquainted with the localities and the nature of the country to consider, before they gave credit to reports which they had probably heard, that this line would militate against the interests of the Great Western Company[28], to give the measure their support.[29] He was free to confess that he had heard statements that if this road were built, it would injure the Great Western, and, by consequence, one link in the chain of that great line which was expected to run from Quebec to Hamilton. He denied that it would injure that line, but if it did, he was still prepared to show that the demand made by the Company he represented, for a renewal of their Charter, was based in justice and equity. He was prepared to rest his case upon that ground, for he had yet to learn that the House would reject a rightful claim merely because of the disadvantage which might thereby accrue to opposite and private interests.[30] In 1834 the Great Western railraod was established, and vested with numerous privileges, among which was the right to examine the country from London to Gore, but they were not permitted by that charter to go either to the Nigara or Detroit Rivers; but after the charter was granted nothing was done; the road slept until 1836. In 1836 an act passed incorporating the Niagara and Detroit Railroad, of which he had the honor, as President, to represent. By this charter, power was given to the Great Western Railroad Company to join with the Niagara and Detroit Railroad Company, or rather he should say to run lateral roads along this line if they thought fit. Nothing was done by the Great Western Railroad Company, as he had already stated, until the disturbances which took place in Upper Canada, although another act was passed by which the Parliament pledged itself to lend them a sum of money, and yet they had not done anything to carry out

the road. In 1837 the Niagara and Detroit Railroad Company was organized; subscriptions were opened, the amount of capital subscribed, and Directors and President elected, and some money was subscribed by shareholders to survey the proposed route; indeed every measure was taken to carry out the road, when difficulties arose in the country which paralyzed all their efforts. They had done all they could, and they had done more to carry out their plans than the Great Western Railroad Company. In last session, the Great Western Rail Road Company obtained an extension of their charter, by which they were allowed a number of years more to carry out their charter, or that Company would be now in the same predicament as they were then in. By that extension of charter, the Great Western Company were granted five years to commence their road and twenty to finish it in, and if it had not been for that extension of their charter that Company would have become extinct; we would now come to this Committee to ask for the same privilege as the Great Western Railroad Company got last session, and he would like to hear[31] upon what the great opposition, with which the measure was threatened, was to be founded? Perhaps it would be said that, the Great Western Company was supported by all the wealth and commercial enterprise of England - by the railway kings of whom there was so much talk. For his own part, he supposed that the promoters of this undertaking wished to become kings also, for he could not imagine any thing but ambition, which could make them desire to keep the country all to themselves.[32] The arguments will ((also)) probably be ... that it will be a great hardship to allow another road to be made near ((the Great Western Railroad.)) He would ask was private enterprise in this country to be swamped because a more powerful Company were against it. Is this the way to advance the prosperity of the country[33]? He thought not. He thought moreover, that no opposition even should be offered to this line, especially, since it had already received the sanction of the Legislature. He did not come before the House to say that he thought a railway from Barrie to Sandwich would answer very well for the proprietors. - He came to ask no protection for an incipient measure. If he did, there might be some reason in his opponents replying, that they had been induced to take large amounts of stock, and that it would be unjust to allow another line to come into competition with theirs. That, however, was not the case. A Charter had been already obtained, and was inscribed in the statute book - litera scripta minet - and now nothing was asked but a renewal of its provisions, to which the shareholders were justly entitled[34], the same as you already granted the Great Western Railroad Company.[35] He believed it would be said that the great English Capitalists of whom he had heard so much, and believed[36] about one-fourth[37], would recoil from the undertaking and refuse to pay up the subscriptions for their shares, but if what he had heard was true, he said, that Masterman, Hudson, and the other great Capitalists had taken up stock, and only waited for the passing of the Bill to commence operations, then they would be obliged to fulfil their engagements, because those engagements were made without any

reference to the existence of any other Company.[38] The statute book shows that there was another Railroad Company in existence, and they were bound to know the law.[39] If they could be released from their obligations, however, it would still remain a question whether two private Companies could be fairly and reasonably objected to in so extensive a country. For his own part, he thought that competition should be encouraged - that every facility should be given to[40] private enterprise[41], ((and to)) induce men to travel through Canada in all possible directions. He thought it was not the policy which benefitted a new country, to allow any persons to monopolize anything, - certainly not the means to free communication.[42] But he would put the question upon higher grounds, and he would ask the committee how it could in justice refuse the extension of their charter when they had already granted[43], only last year the renewal of their Charter, to another, and a rival Company[44], the Great Western Railroad Company.[45] He should like to know if there were anything to entitle that Company to this preference. He would like to know who took up stock in that Company, equal in proportion to that taken up in the Niagara and Detroit Company. - The farmers along the line of the latter road had come forward almost to a man to take up the stock, and unless the House passed the present Bill those people would be - so far at least as this speculation was concerned - rendered penniless. There was another reason, he thought, why the Committee would say that the Company he represented was in common fairness entitled to their Act. This was the conduct which had been pursued by the promoters of the Great Western Bill at the last session.[46] He was not here when the renewal of the charter of the Great Western Railroad had been granted, but[47] there was an hon. friend of his in the House who had got up in his place ... and had asked the promoters of the Great Western Bill, whether that measure was to interfere with the Niagara and Detroit Company, and his honble. friend was told distinctly, no![48] And instead of that extension of their charter not militating against the Niagara and Detroit Railroad, it has destroyed all its privileges.[49] His hon. friend knew that the hon. gentleman who had charge of that Bill had had it in his pocket for several weeks, and that he took the opportunity of bringing it forward after he (Col. Prince) had obtained leave of absence from the House. He said that that Bill had been obtained by fraud[50], and that they had never dared to introduce their measure when he was here[51], for, so far from interfering with the Niagara and Detroit line, it had received powers to extend its road beyond the original limits indicated by the Act of 1837, as far as Detroit River, the terminus of his (Col. Prince's) line, and the only place whose traffic could enable the Great Western to pay its expenses.[52] He would ask them in conclusion if the committee could refuse the renewal of their charter? No; - gross injustice would be done if they did.[53] He now called upon the Committee to prevent the Company to which he belonged from being deprived of their rights.[54]

MR. R. MACDONALD, of Cornwall, was not interested in this Railroad

more than in the Great Western Railway, as he (Mr. M'D.) possessed property which would be improved in value by both. He (Mr. M'D.) was of opinion that Railroads do not interfere with one another, but that they mutually assist and benefit each other. The Detroit and Buffalo Railroad will command the great American traffic and travel, and will successfully compete with the North Shore of Lake Erie. The Great Western Railroad has sought to obtain the ... American travel, by making its terminus at Queenston, and is therefore just as much an American railroad as the other. It is, however, too far in the country to successfully compete with American lines. It is said that the whole of the stock of the Great Western Company has been taken up by English capitalists, and that we must not deter them by granting a charter to a parallel line, but he (Mr. M'D.) considered it to be one of those speculations that people enter into with their eyes open, and they have no right to claim any peculiar privileges at our hands. It was also said that this line would be more liable to attack from the Americans in case of war than the other, but he (Mr. M'D.) did not think so; and he was in hopes that we will be able to protect all our territory, and never allow the enemy to have a foothold in the country. Besides we build railroads for times of peace not for war. A great deal is due to that section of the country immediately to the North of Lake Erie, for it has a fine soil, and it is inhabited by a noble set of people, and he considered that if this boon was denied to them, it would be a sort of breach of faith; this Company having been chartered ten years ago; and a good deal of expense having been incurred for surveys, &c. If it was right to grant a charter to them ten years ago, surely it is right to do so now. We are all for free trade now. Sir Robert Peel having declared against protection, and (sic) in favour of the freedom of commerce; let us then have free trade in railroads. He (M'D.) would grant a charter for a railroad to the moon, if there were people so foolish as to ask for it. When people apply to us, to allow them to spend their own money, we ought not to care whether the intended speculation will benefit them or not.[55] ((He)) would vote for both railways, because he did not think that they would interfere with each other, and because there was plenty of room for both.[56]

MR. CAMERON said, that the hon. member for Essex had fallen into a great error with regard to the powers given to the Great Western Company by the Act of 1837.[57] When the honourable member ... rises to charge gentlemen with dishonest or fraudulent conduct, and refers to a document, he should, at least for his own sake, take the trouble to read the document, that his opponents may not, as I will now, prove his words untrue.[58] The hon. member then read some clauses from the journals of 1837, by which it appeared that the Great Western Company was authorized to make its road to any place between Amerstburg and Port Sarnia.[59]

COL. PRINCE and MR. MERRITT loudly called upon him to read on.[60]

MR. CAMERON then read the following proviso - Provided always, that

it shall not be lawful for the Engineers of the Great Western Company to run their route into the Towns of Sandwich or Bertie without the consent of the Directors of the Niagara and Detroit Rivers Railway, signified by their Chairman in writing.

The hon. gentleman continued - he conceived it of little importance whether two points like Bertie and Sandwich were or were not excepted, while the Company had the right to go to the whole of the coasts besides. But[61] the hon. member for Essex has pleaded eloquently for justice to this deeply injury (sic) Company; but what are the facts of their claim?[62] It had been contended, that as the Great Western Company had obtained the extension of its charter the Niagara and Detroit Company should get theirs too, or injustice would be done them. That argument proceeded upon the principle that the two Companies were in the same position, but although it was true that the Charter of the Great Western Company had expired before they procured its renewal, and that the Company was at that time in just the same position as the Niagara and Detroit Company was now - yet it appeared to him that that similarity ought not to be taken into consideration. The question was not what was the position of one or both the Companies at any past time but what was the position of the Companies at present. If that were the question, then he should show that the Great Western Company has been to England and had found capitalists who had taken up £1,375,000 of stock, and had expressed their willingness to provide the means of building a line from Hamilton to Montreal. Nor was it merely an expression of willingness, for they had already paid up $175,000, and were ready to pay up three instalments of five per cent. more so soon as the bill was obtained. There persons had, however, entered upon that arrangement, upon the faith of the Charter granted last session by the House, which was considered to hold out inducements to invest capital in the colony, and what was it that the House was now called upon to do? Why after attaining the fairest prospect of completing a line throughout the whole Province, it was called upon to overthrow all that it had done, by granting to this Niagara and Detroit Railway Company, the renewal of a charter which, for many reasons, they had no right to. The existing charter expired on the 25th of the month, and it was now expected, that the House should raise obstacles to the operations of the men of capital who had been enlisted by the Great Western Company. He must say that he was surprised to hear a lawyer give an opinion like that, which had been so pompously announced by the learned gentleman, who said that these persons would be bound to go on with the railway whether they chose to do so or not. Was the Montreal Bank obliged to go on one day longer than the Directors judged it expedient to do so? Could not these gentlemen in the same manner, retire when they pleased from an unprofitable speculation? It had been said that the existence of another company formed no element of the contract which these people had entered upon. True, it had not, and for the very reason, that the Charter of this Company being about to expire on the 25th of this month it was conceived that ... no rival company was likely to exist. He

thought the House would have no difficulty in coming to a conclusion upon the nature of the designs of those who were now pressing this bill forward. It looked very much as if this Company desired to assert a claim which, if allowed by the House, would enable them to force their rivals into a compromise, and thus extort something from them.[63] Why, does it not seem as a Yankee speculation, to enable them to extort a sum of money from this Company to buy them off? - for up to June last, until the success of Sir Allan M'Nab in England became known, the revival of their road was unheard of. It would, in his (Mr. C.') opinion, be a most suicidal act under our present circumstances to grant this road, because we have the prospect of getting English capital invested in Canada.... Is it not evident that if this enterprise pays, that English capital will flow into Canada without measure for all our works. Remember, sir, (said Mr. C.) that ten years ago we had three Railroad charters, and none of them have made the slightest progress up to this day, and if you now by this act destroy the opening prospect of the introduction of English capital, ten years hence we will be as we are now.[64] These schemes were always discouraged in England, and if hon. members would take the trouble of inspecting the rules laid down for Railways in the English Parliament, they would see that some of them were prepared expressly with a view to frustrate these unfair designs. If he could make it clear that this was the case in the present instance, he felt sure that the bill would not be allowed to pass the Committee. - The promoters of this line said, as another reason for granting their bill, that it would take the whole of the Western American traffic across the Peninsula; but the only American who was examined on the subject[65] - a Mr. M'Leod, Senator from Michigan[66], a highly intelligent man ... had expressly declared that it was of no consequence[67] to American travellers[68] which route was taken. In fact the difference in distance by the two lines was no more according to the showing even of the promotors (sic) of the Niagara and Detroit line than twenty four miles - a difference that was compensated by many advantages which is (sic) possessed over the other route.[69] He (Mr C) would now quote from a report of the 1st of January, 1846, subscribed by Charles B. Stuart, then Engineer, which shews that Buffalo is out of the way of travel, and that by the Lockport and Rochester route the whole of this difference would be saved and so make the distance from Detroit to Rochester via Hamilton and the Falls exactly the same as via Buffalo. He would beg to call the attention of the members to the following extract:

"If Detroit or Canada West be the destination of the traveller, and the contemplated bridge over the Niagara River be established at the narrowest and most appropriate point, or the steam ferry be used at that place, the saving of distance from Hamilton to Rochester will be twenty-four miles by taking the Lockport route."

And again, as to the travel, &c., he (Mr. Cameron) would refer to the following extracts from the same report, in which the writer refers to the advantages of the Lockport and Rochester road:

"The Canada travel, and that passing through Canada to the Western States."

"The transportation of produce, merchandise, coal and iron to and from the Great West and Canada."

"We may justly, therefore, and with all moderation, base our calculations for this line, on its completion, and the completion of its great extension in Canada, on an aggregate traffic, equivalent to one hundred and thirty thousand through passengers, of the first class, and fifty thousand of the second class, and sixty thousand way passengers, at the low rates named in the estimate. If only two-thirds the number estimated should be transported over the road on its completion, a charge of three cents a mile for through passengers, (which is nearly twenty-five per cent. less than is now charged,) would make the sum I have estimated. But I have put the fare low, to avoid competition, and induce a large amount of business."[70] Upon the whole the question appeared to resolve itself into a very simple enquiry: - Which road was most likely to be made, and which would most conduce to the interests of the country, civil and military?[71] The member for Cornwall has spoken of this in a military point of view, and he (Mr. C.) intended to read Col. Holloway's opinion on the subject, which he (Mr. C.) would leave it with him, only regretting that it had not been before the Committee.[72] On the commercial part of the question, he would read several extracts from American works. (Here the hon. gentleman read from several books to show the superior advantages of the Great Western to the Niagara and Detroit line.) He also read[73] the following extract from the Buffalo Commercial Advertiser, supposed to be from the pen of the hon. member for North Lincoln:

"Niagara and Detroit Rivers Railroad. - We invite the attention of readers at home and abroad, to the Prospectus of the Directors of this Railroad company, in to-day's paper. The road proposed is a necessary link to connect the roads of New England and this State with the one across the peninsula of Michigan. Although in Canada, it will be essentially an American work, and its construction is absolutely necessary, unless we are prepared to acquiesce in the construction of a work that will be purely Canadian, and will divert from our city and the roads of this state much of the trade and travel that we now enjoy. If this road is made there is no probability that any other similar work will be constructed for many years, if ever, across the peninsula of Canada; but unless it is done, three years will not elapse before a chain of iron will encircle the northern shores of Ontario and Erie. In relation to the proper action in the premises there can be no possible doubt in the minds of reflecting men."[74] He went on to say that[75] one thing more than all had surprised him (Mr. C.) since he came to Montreal, to find contrary to his expectation a supineness on the critical position of the trade.[76] When he arrived at Montreal he expected to hear of nothing but public meetings to devise the best means of meeting the changes in our commercial system.[77] He was of opinion that the fate of this city depended upon the exertions of the House and its own inhabitants, and if the facts of the last four years be considered, that hundreds of thousands of pounds have been drained from us to New York and Boston, that if this road be opened to take flour, wheat,

ashes, &c., direct from the centre of our own peninsula to Buffalo and the mouth of the Erie Canal surely it would cause people to awaken from their lethargy.[78] If the citizens of Montreal were not awakened ... and if they did not take means to counteract the tendency which trade had to take that direction, they would find Montreal shrink to nothing. He believed they had the means to counteract the tendency if they would only employ them; for the channels in which trade had hitherto run would be changed without some great advantage arising from the alteration, and his argument was that the Great Western would bring the trade down to the Montreal route while the road now under consideration would divert it through Buffalo to New York. The Great Western line, with the roads with which it would communicate joined to the road from Montreal to Portland would put the Canadians in a condition to compete with any water navigation through the United States. He contended that the two roads were not merely unnecessary and useless, but absolutely hurtful, from the competition which would exist between them. What had the House seen in 1837? Had not a company been started to form a road from Toronto to Hamilton, and had they not built offices, and procured lists of stockholders, and ended by doing nothing, but give two or three public dinners? He (Mr. Cameron,) would tell them, that without great care, the same result would attend the present railway projects. If they did anything to discourage Mr. Hudson and the other English Capitalists, and so prevent them from going on with the present scheme, it was not likely they would soon have another opportunity; but if the utility of these undertakings could be once shewn, and a profit realized, there would be no difficulty in making as many railways as the country required. It had been unfortunate for Canada that she had hitherto had the aid of British Capitalists only for undertakings that had turned out unfortunately. The outcries and lamentations of the sufferers were not yet forgotten, and if now, when the means were at hand to make a great trunk road to the West, the House encouraged a parcel of people to come in from Detroit and Boston, there would be nothing but regular Yankee speculators from one end of the Province to the other, and the English Capitalist would be thrown out for ever.[79]

MR. JOHNSTON said, the member for Lanarack (sic) had talked a great deal about the interests of this colony, and about justice, but he would ask that individual who it was that gave the raftsmen two gallons of rum to get them on shore, and when he had made them drunk, although he was such a great temperance man, seized upon the raft. That waa done by the member for Lanarack (sic), and James Johnston was the sufferer. He would trouble him for the £82 he cheated him out of on that occasion. - (Laughter.) All that member wanted by this scheme was his own aggrandizement, he never did anything in his life without that in view.[80]

MR. SOL. GEN. SHERWOOD thought that when the member for Carleton rose he was about to offer some reasons for or against the measure, but he had gone rather wide of the subject before the House. He (Mr. S.) desired to make a few remarks, and to state as briefly as possible the

reasons why he felt called upon to oppose the Bill; and in doing so he hoped[81] that it would be conceded to him by hon. members who supported the bill then before the Committee that he was conscientious in his opposition as he fully admitted that they were acting from the most honest convictions.[82] He believed there was no member of that House more anxious than himself to advance any measure of public improvement[83]. Such had been his disposition from very early life[84], and he believed that House would admit that since the time he had held a seat in it, and had been able to express an opinion, he had invariably supported every measure for the public good, or which he considered would tend to advance the interests or open out the resources of Canada; and such he hoped would always be his course. But he contended this measure was not one of that kind, but on the contrary he believed that if it ever went into operation by the sanction of that House it would contribute more to the direct injury of Canada than any project which could come before that Legislature. He believed it would be an insurmountable impediment in the carrying on of those great Canadian lines intended to run through the heart of Upper Canada, in which British Capitalists had taken stock to so large an amount; he considered that it would produce a feeling of insecurity in the minds of Capitalists at home, and would prevent the establishment of a line between the seat of Government and Upper Canada. This undertaking was purely an American one, designed by Americans to connect two American cities, and to conduce solely to American interests; and this was one reason why he felt called upon to vote against this measure. That House had been told that if the Charter of this Company was not renewed it would be an act of injustice; but he could not see it in that light. The Company had been incorporated for ten years, but had neglected to take advantage of its Charter[85].

COL. PRINCE. - They made surveys.[86]

MR. SOL. GEN. SHERWOOD. - That might be so but he thought it not sufficient reason to ground a new application.[87] It had not commenced operations or done anything to entitle it to come before that House and ask for a renewal; and he contended that there was no injustice in denying to renew that Charter. If the Company had commenced operations, if it had done the works required by law in accordance with the spirit of the law, then it might with some reason have called upon the Legislature to renew the Charter. But that Company did not come before the House in the same position that it did when it first obtained its Act of Incorporation; now the Great Western and Toronto and Lake Huron Companies had gone into operation, their stock had been taken up, and the money actually subscribed, and if nothing was done by that House to shake the confidence of Capitalists, before three years had elapsed above £3,000,000 of British capital would be invested in public improvements in this Colony. But if on the contrary that House sanctioned the project now before it which was strictly militant against the Charters already granted, the confidence of the Capitalists on whom this country depended for carrying on these improvements would be justly shaken; and though this Railroad might go into operation, yet they would not see another Canadian Railroad during their lifetime.

He wished to see one great national chain of Railroads established[88], not from Hamilton to Lake Huron but[89] from Halifax to Lake Huron, with branches to Toronto, Montreal, Quebec and the Eastern Townships; a chain of road which should be for the benefit of this province and which should promote its interests, and he considered it would be most impolitic for that House to allow private interests to interfere to check the advancement of the national welfare. The measure before the House was destructive of Canadian interests, it would if sanctioned divert the trade of Upper Canada to Buffalo, and that House would commit a most suicidal act if by such an act it made the Western portion of the Province dependant (sic) upon the United States for its carrying trade both in and out. He now held in his hand a paper published in Hamilton containing the announcement of a mercantile house that it had just received its spring stock by way of New York from Liverpool, and it was also stated that under ordinary circumstances these goods could not be obtained by way of Montreal until June or July. Hon. gentlemen would see from this how imperative it became upon them instead of trying to give to the Americans greater facilities for diverting the trade of this Province, that they should lend their best energies to the improvement of its means of communication so as to neutralize as soon as possible the advantages which the position of the Americans upon the seaboard give them over the people of this colony, either by way of the St. Lawrence or through Portland to Montreal. The measure before the House was eminently destructive of Canadian interests, its object was to make Buffalo, the New York of Lake Erie.[90] It would no doubt be said by the hon. member for North Lincoln[91] that trade would flow like water in its best channels, that legislation cannot divert it, and this may be true; but that is no reason why we shall lend our aid to the improvement of American means of communication, and encourage the transmission of trade in the way we know must be most destructive of our own interests. He did not object to competition, he was willing to run a fair race with the Americans, and let the winner take the trade; but he was not willing to do what hon. gentlemen wanted, not only to stand still but at the same time to lend his aid to the advancement of the United States to the prejudice of Canada. He would again repeat that he opposed this measure on grounds of public duty, because he considered it would divert the trade of Upper Canada from Canadian channels, that it would have a most destructive effect upon the prosperity of Lower Canada, and would injure the whole Province, both as regarded its political and commercial relations. He must oppose it because it was an American speculation in opposition to Canadian enterprize (sic), and he considered that if that House granted a renewal of the Charter in defiance of the fact that the stock of two Companies was subscribed, and the proprietors prepared to go on, it would induce those capitalists to withdraw from the undertaking, and while it diverted our trade from its proper channel, it would destroy for ever all probability of further public improvements.[92] But he hoped it would not be so; he hoped that those who had taken up stock in England on the

Great Western line would not be told that within a month after they had done so we had chartered a parallel line and had thereby destroyed all chance of success for the scheme into which they had literally entered.[93] He again reiterated the opinion which he had expressed upon a previous occasion that that House should be especially careful how it granted Charters which should by interfering with the prospects of companies already incorporated, shake the confidence of capitalists; or sanctioned rival railways running upon parallel lines.[94]

COL. PRINCE had never heard a worse speech from the learned Solicitor General than that which he just pronounced. It was composed of special pleading and appeals to the feelings of the gentlemen of Lower Canada for whom he had acquired great affection all at once; he was astonished at the change that had taken place in the Solicitor General's views on rival companies. He (Col. Prince) remembered his learned friend's views of chartered Banks in Toronto; he never objected that granting charters to new Banks would injure the old Bank of Upper Canada or scare from the country the English Capital that was invested in it. He (Col. Prince) did not see why American Capital should not be received in the country as well as English, he was for free union with that great republic; it was preposterous to refuse American Capital, as indeed, it would be to refuse that of any other country; it was not political or statesmanlike to act so.[95] Every railroad constructed in Canada must, for the next twenty-five years, be dependant (sic) upon American traffic for support, and without it it could not pay.[96] It was not to be supposed that Americans alone were concerned in the Detroit and Niagara Rail Road; a very large proportion of these interested were Canadians and Europeans, and thus would the bonds of amity be drawn closer between the Canadians and the American people. But if it was told in Washington that we turned our backs upon American Capital because it was American what would be thought of us! Why it would be said that we were uncivilised and that so far from being entitled to Responsible Government, as we pretended we were only fit to be governed by a Governor and Council who would make special laws for special purposes. With regard to the intention of a Railway from end to end of the Province he would say that no man could build up a road from Quebec to where he (Col. P.) lived there was not 1 Canadian to 100 Americans. The hon. member next adverted to the Great Western Rail Road scheme, at the head of which is Sir Allan McNab, and said that he was sure that $\frac{1}{4}$ of the stock was not taken up.[97] He considered the Great Western project as an impossibility, that the physical difficulties in the way of its construction would entail such an enormous expense as to defeat its object.[98] He also contended that the Great Western Road would never pay interest on the outrageous expenses which would be incurred unless it was joined to the Detroit and Niagara Road. Offers to that effect had been made by the Managers of the latter but had been received with contempt, - had not been answered. The hon. member concluded by stating that £300,000 worth of the Detroit and Niagara Rail Road Stock had been taken up by good, honest, intelligent, enterprising Americans but that the contract

was voidable if that House did not renew the charter.[99] He could not conceive what reasonable objection there could be to allow American capitalists to make public improvements in this Colony.[100]

MR. SOL. GEN. SHERWOOD - The hon. member for Essex, is mistaken in supposing that he (Mr. S.) was opposed to American capital being embarked in speculations to this Province - he would like to see more of it invested in this country, but he must say, that[101] where it came into competition with British capital and interfered with Canadian interests he felt bound to support the latter. He considered the introduction of British Capital into this Colony as a most important thing[102], for then the people, and especially the wealthy men of Great Britain, would take deeper interest in our affairs and would regard us more than they do now, as a part and portion of the British empire.[103] It would strengthen our connection with the Mother Country; it would direct British attention more to this Colony, and would awaken a greater feeling of interest in our welfare than had hitherto been shown. His objection to this measure arose from the fact, it was an American project, and altogether the proposed road was as a matter of convenience to pass through Upper Canada[104], and may benefit them a little[105], it was intended to connect the cities of Detroit and Buffalo[106], and to make the ... ((latter)) city the emporium of Canada.[107] He believed that it would divert the trade of Upper Canada from the St. Lawrence to the United States, and would sacrifice the best interests of both sections of the Province[108], especially the lower section of it[109], to American speculations.[110] And to this fact, he would call the attention of the members from Lower Canada. He would ask them not to commit such a suicidal act, as to vote for a measure that would greatly injure their interests, by diverting the trade from Montreal. He (Mr. S.) was desirous from political considerations, that the trade from the upper part of the Province should not flow through the United States.[111] He opposed ... ((the Niagara and Detroit Rail Road)) on broad, comprehensive and public grounds, and not from private interests, as he knew little of the other Railroads beyond the advantages of their situation and in fact of the necessary capital having been already subscribed in this country and England.[112] It is said that the Great Western Company desires to monopolise, but if it is so, he (Mr. S.) had nothing to do with them, and was not acquainted with their affairs; he did however, know something of the Toronto and Lake Huron Company - likewise that £70,000 of its stock had been subscribed in Canada, ten per cent. of which had been paid up, and that £500,000 of the stock had been taken up in England, by individuals who are prepared immediately to pay up their subscriptions. If however, a measure of this kind passes the peoples of England will not be willing to embark their capital in Canadian Rail Roads, and the country will be thrown back at least 20 years. He (Mr. S.) believed that if this bill did not pass and there was no war, that before three years a great line of Rail Road will be commenced to run from Montreal to Huron, and at least £300,000 will be spent in the Province. It has been shewn by accurate statistics that

300 passengers leave Buffalo daily, and that two of every three of these, go to Lake Huron. It is from this immense travel that the Toronto and Lake Huron Rail Road and Great Western Rail Road Companies expect their principla profit to be derived, they will be landed at Port Sarnia, and from thence they have every facility to journey North, South or West.[113] In a military point of view this measure was most objectionable, and Colonel Holloway, the Chief Officer of Engineers, had declared in his evidence that it would facilitate the operations of the enemy, and while they would be most advantageous to our commerce in time of peace, would be of great military importance in case of war. He was convinced that if the House sanctioned the renewal of this Charter in defiance of these facts, it would only regret it once and that would be always.[114]

MR. CHAUVEAU spoke in French against the bill and in favor of the Great Western Line.[115]

MR. ROBINSON supported the bill, he was however in favor of a junction between this and the Great Western line somewhere in the neighbourhood of London, so that they should run as short a distance as possible in parallel lines, and with branches right and left to different advantageous localities.[116]

MR. DUGGAN took up the arguments of Mr. Sherwood.[117] ((He)) opposed the bill and characterised the Detroit and Niagara Rail Road as a speculation merely for the benefit of Lake Erie and not for the comfort or convenience of the country at large.[118] He was convinced that this Rail Road if completed would be destructive of the best interests of Canada, and would carry its trade through the United States. It merely skirted the shores of Lake Erie, and while it connected the two military stations of Detroit and Buffalo, and would facilitate their military movements, and encourage invasions of our territory in time of war, it would be of great Commercial importance to them in time of peace; and at the same time that it would be destructive to this country in case of hostilities its advantages in peace were exceedingly problematical. This was the opinion of Col. Holloway from whose evidence he read. He believed if that House passed this Bill that the Head of the Government would feel it his duty to submit it home, where the opinion of this high military officer would have great weight.[119] He contended for the Gt. Western Line as a grand Provincial scheme advantageous to the country in any point of view.[120]

MR. ERMATINGER spoke in favor of the Bill.[121]

MR. WILLIAMS. - He was opposed to have 3 parallel and rival lines in Western Canada the great desideratum was to get one great line, he considered that that great line would be what he would call the Great Western and the Great Eastern, they however could only be built by English Capital. In his opinion the road under consideration would prejudice the interests of the Great Western Railroad, and he (sic) will not be able to get the British Capital, let the great line through the Province be completed and we may afterwards grant more charters.[122]

MR. DICKSON. - The Charter of the Great Western expired, and was renewed last session, the Charter of Niagara and Detroit Rail Road had also expired, and now you refuse to Charter it; he considered it to be an act of the greatest injustice to renew the other Charters and refuse the present one; they had expended more and had proceeded further than any of the others, and after they have had the survey made, you now refuse their Charter, and all this money is lost, at least so far as the railway goes, he would beg to take a comprehensive view of the question as he always does, unembarassed (sic) by sectional or personal interest; and, in doing so he would extend a measure of grace to this road. It has been said that if the Charter of the Niagara and Detroit Rail Road is renewed, the Great Western, will never go into operation; he did not believe that such would be the case; he did not believe that one passenger that would have gone by the Great Western Road would be diverted from his intention by the Niagara Road. A great deal had been said about protecting British Capitalists, he would ask if they were to be protected before Canadian Capitalists; great objection has been taken to Yankee speculators now he would ask what capital built the Welland Canal, would it ever have been completed without the aid of that capital which some hon. members so abhor. He thought that if the work had a likelihood of paying, the House in justice to the country ought to renew the Charter. He believed that the travel that they would depend upon was from Buffalo to Detroit, which was now taken by Steamers; now if the Great Western does not go the American frontier they will not get this travel at all so that the erecting of the Niagara and Detroit Raad (sic) would not interfere with the Great Western.[123]

MR. INSP. GEN. CAYLEY. - The hon. member for Lincoln ought to remember the great exertion he made to have the Welland Canal built, in order that the American trade might be carried through it, and after the immense expense the country has been put to for this Canal, he should not now seek to divert a portion of the goods from it to this Rail Road. He (Mr. C.) could bear testimony to the energy and perseverance with which the hon. member (Mr. Merritt) had prosecuted various public improvements.[124]

MR. MOFFATT thought the arguments of the Hon. Inspector General were more in favour than otherwise of the adoption of the measure before the House. The charter in question would, he had no doubt, be renewed under ordinary circumstances. (Hear, hear.) And the present opposition was consequently predicated upon the principle of exclusive right to the main trunk line. Now he (Mr. Moffatt) was opposed to holding out any prospect to English capitalists, based upon exclusive right. He knew that a route for a railway could not be coerced; should a better route present itself, in a short time it would certainly be chalked out and applied. He was resolved to hold out no false expectations to capittalists (sic). He was quite prepared for the Lower Canada funds being drained off, unless it was made the interest of the Americans to avail themselves of our waters. This he hoped for when the St. Lawrence works would be completed and tolls reduced, although

he knew it took some time to direct business from its usual channel.[125]

MR. BOULTON said he could not agree with what had fallen from hon. member for Simcoe; and that it had been argued that the charter had been already granted, but by whom he asked, not by the people of Lower Canada, but by the people of Upper Canada, and they have much changed since the time the charter was granted, and that there were many objections to the bill now that did not exist then. He thought the measure would prevent the formation of a line from Montreal to the west end of the province, and he had no doubt but that the Great Western Railroad would be completed in four years; but if this measure was passed, the members of that company could not recommend English capitalists to lend their money to carry out the road, because they must say that all their calculations have been destroyed by the granting of this charter, and the consequence would be that there would only be a Railroad made from Toronto to Hamilton, instead of from the extreme West to Montreal. He (Mr. B) was against granting the renewal of this charter, and would therefore move in amendment that this committee do now rise.[126]

MR. HALL did not think that by voting against this measure we would lead the English capitalists to believe that we intended to give them any exclusive advantage. Why does any one wish to establish this parallel line? Do not the lines already chartered answer all the purposes of trade and travel? If we now destroy the Great Western road we will not be able for many, many years to obtain a great line from Montreal to the extremity of the Upper part of the Province.[127]

MR. BALDWIN had been carefully attending to the debate, and the result was that he felt that he should either vote against the bill before the House or refuse his countenance to a scheme of vast general importance, which would bring a large amount of British capital into the country. And looking at the present position of the country and the necessity of obtaining capital, he felt satisfied that the capitalists who had entered into the main trunk line scheme could not look favorably upon the granting by this House of privileges to a parallel line route. Besides, he (Mr. Baldwin) thought that the Detroit and Niagara Company had no abstract right to a renewal of their charter. They had not used the charter when it was in existence. By that charter they entered into a species of contract with the public, and they failed to perform their part; they, therefore, had no just claim, and it would be sufficient for the House to say, that it did not suit the purposes of the country to grant a renewal.[128]

MR. MERRITT. - This question involves a great principle whether any exclusive advantages are to be given in this Province to any individuals or companies. He (Mr. M.) was astonished to hear members assert that this Rail Road was opposed to the public interest of Canada. He (Mr. Moffatt,) had for twenty years endeavoured to draw the American traffic down the St. Lawrence, and to benefit this route by every

means in his power, so much so, that he was willing to have put on discriminating duties; and had always advocated making our Canals on the most extensive scale. He (Mr. M.) did not think that this Rail Road would effect our Canals in the least, for would you compare the mighty St. Lawrence to a trumpery Rail Road? In their calculations of profit, they had not calculated upon carrying a barrel of flour or a ton of goods, their great expectations were from this Rail Road being the only liae (sic) that could draw the American travel through Canada. The Great Western Road being a longer route and a greater elevation - the elevation being 700 feet. This Rail Road will not come into competition with the Great Western Rail Road but with the line, which the Americans will certainly build on the South Shore of Lake Erie, if this one is not allowed to be built. And is it not more judicious to endeavour to divert the immense stream of American travel through our country, & thereby enrich ourselves with their money, than to cause them to build a more expensive line through their own territory and we thereby lose the travel altogether? He (Mr. M.) was in favour of a great line the company that he represented was willing and had offered to join the Great Western Line at London. Petitions in favour of this Rail Road signed by 5000 individuals had been presented to this House, and he considered that the people of that part of the country had a right to the road, because nature had given them advantages. In answer to the hon. member for Lanark, he would state that the capitalists both in England and America, were satisfied with the manner in which the Province had acted with respect to the Welland Canal; and that the credit of the province was perfectly good.[129]

COL. PRINCE - He merely wanted to make a remark on what had fallen from the hon. member for the Fourth Riding of York. He (Mr. P.) had been astonished to hear him say that they had no abstract right to get a renewal of their charter; he would merely say that the hon. member did not say that when he voted for the extension of the charter of the Great Western Rail Road Company.[130]

Mr. Boulton's motion in amendment that the Committee do now rise, was then put when it was found that the Ayes were 31, Nays 16 - Majority 15[131].

(104)

and after some time spent therein,
Mr. Speaker resumed the Chair.

Orders Postponed. *Ordered, That the remaining Orders of the Day be postponed until to-morrow, and that they be then the first Orders of the day.*

Then, on motion of Mr. Duggan, seconded by Mr. Price,
The House adjourned.[132]

APPENDIX, 16 APRIL 1846.

((QUESTION AND ANSWER RE: MAINTENANCE OF ROAD BETWEEN LONDON AND CHATHAM AND SANDWICH.))

COL. PRINCE, pursuant to notice, enquired of the Ministry whether it was the intention of Government to plank, during the current year, the great road from London to Chatham and Sandwich and what measures were intended to be taken for keeping that road in repair, which was delapidated in many places and getting so bad that to travel along it would soon become impossible.[133]

MR. AT. GEN. DRAPER replied that the state of the public Finances would not admit of so large an expenditure this year as would be required for the work in question - and as to repairs, (he begged to be understood as not speaking so as to bind the Government) he would throw out a suggestion that it may be hereafter thought advisable to place this as well as other roads, under the management of the respective Districts through which they ran.[134]

((CONVERSATION ABOUT TRANSLATION OF BILLS INTO FRENCH.))

MR. GOWAN, said that the Committee on Printing had enquired into the delay in Printing Bills lately complained of and found that it was caused solely by the time required in translating; and, therefore, he (Mr. Gowan) would suggest that hon. members on both sides would come to an understanding not to translate Bills of a merely local nature. There was a bill then before the House relating exclusively to the Bathurst District, introduced by the hon. member for Lanark which could be proceeded with at once if it were agreed to dispense with its translation into French.[135]

MR. CHABOT, thought that localities in Lower Canada might be placed in a similar position to that referred to in the bill and it would consequently be well to translate it.[136]

((WITHDRAWN MOTION RE: PETITION OF ROBERT GOURLAY.))[137]

MR. MOFFATT moved that the petition of Robert Fleming Gourlay be referred to a Special Committee.[138]

MR. AT. GEN. DRAPER entered into a statement of the facts of this case. In the year 1804 there was passed a law both in Upper and Lower Canada, a law of the most arbitrary character, and which could be justified by no other plea than that used in the present day for a similar measure - the Irish Coercion Bill - the peculiar circumstances of the country. By this act it was made lawful for any two Magistrates, any two Executive or Legislative Councillors to cause to be arrested and brought before them any person charged with attempting to alienate

the allegiance of Her Majesty's Subjects, and to cause the said person so charged to be banished. Provided that this course could not be taken against any person who had been resident for six months within the province, or who had taken the oath of allegiance. This law which he could not but look upon as a disgrace to the Statute Book, was now repealed, and he believed to the credit of Lower Canada she was the first to abolish it. It was by virtue of this act, that in the year 1819, Mr. Gourlay was apprehended, tried in this summary manner, and banished. But he considering the law an unconstitutional one refused to submit to it, and staid (sic) in the Province. Whether that law was arbitrary or not, the petitioner by refusing to obey a conviction under it, laid himself open to what followed. He was again arrested, committed to Niagara gaol, then in a most noisome state, where he lay five months, was then tried, convicted and sentenced to perpetual banishment from the Province. The law was at length repealed and Mr. Gourlay returned, but though that judgment stood unreversed no attempt had been made by any crown officer to carry it again into effect; but on the contrary, desiring to do all in his power to atone for an arbitrary exercise of power by a former Government, the Executive offered Mr. Gourlay a free pardon under the great seal. He was not however contented with this but called upon the Legislature to repudiate the Act under which he had been condemned, and to afford him some compensation for his sufferings. In 1841 and 1843 the House had addressed the Executive on the subject recommending that some provision be made for him, and in consequence of that Address the Government settled upon Mr. Gourlay the sum of £50 per annum. This however he had not thought proper to accept although the Government offered to remit the sum to Boston where the petitioner was residing, upon his receipt for the same. This having been done by a previous Government, the present was prepared to endorse it; but in want of any further evidence of that grant being insufficient, and without any specific prayer on the part of the petitioner, he did not see what good could arise from the petition going to a Committee. If Mr. Gourlay would make a claim for any certain thing, then the Government would be in duty bound to give an answer as to whether they could or could not entertain his claim.[139]

MR. MOFFATT, could not require to hear the injustice which Mr. Gourlay had undergone more truly portrayed than it had just been by the learned Attor. General. He (Mr. Moffatt) could not undertake to state what were the exact expectations of Mr. Gourlay, and that was the reason why he wished for a committee in order that full enquiry could be made and that Mr. Gourlay might state all that he desired. He (Mr. Moffatt) thought that the outrageous conduct towards Mr. Gourlay ought to be repudiated. The committee of 1841 declared that his arrest and imprisonment was "illegal, unconstitutional and without the possibility of excuse or palliation." Why should Mr. Gourlay be required to pray for exemption from any portion of a sentence of which the punishment there described was a part? No! it should not go down to posterity that a British subject was ever compelled to such an indignity. A

special act of Parliament should be passed repudiating the whole affair, and placing Mr. Gourlay, as far as possible, in the position in which he stood before the persecution of which he complains, was commenced.[140]

MR. BALDWIN sympathised to the utmost with Mr. Gourlay, had always done so, and he contributed his share of the exertion by which the iniquitous law under which the punishment referred to was inflicted had been repealed. There was, however, a difficulty in doing any thing under the present petition; there was no doubt that Mr. Gourlay should be compensated, and liberally compensated; but the difficulty was to know what would be satisfactory to him; he (Mr. B.) should like to have some data upon which to form an opinion as to Mr. Gourlay's exact claim.[141]

MR. WILLIAMS was not disposed to favour the motion unless the petitioner had some new evidence to lay before a committee.[142]

MR. CAMERON would vote in favour of the motion; it was, perhaps, true that this petition was somewhat incomplete, but that could be remedied before the committee. He (Mr. C.) understood that Mr. Gourlay was most grateful for what had been done for him, and only complained of the manner in which it had been done.[143]

MR. JOHNSTON accused Mr. Cameron of being the author of a letter in the Toronto Examiner, containing scurrilious (sic) reflections on his brother members, and stigmatized him as a "Cowardly calumniator."[144]

DR. SMITH, of Wentworth, would support the motion. He had always considered that Mr. Gourlay was not only an injured man, but that[145] he was aware of some facts connected with the condemnation of Mr. Gourlay that would prove that act to be illegal. The Act provided that no one should be made amenable to its provisions who had been six months in the Province, had taken the oath of allegiance, or held real estate. Now at the time this prosecution was commenced[146], it was well known that[147] Mr. Gourlay had been 18 months in the Province, he must have taken the oath of allegiance for he had held a Commission in Scotland, and he was a Proprietor of Real Estate. The fact was that Mr. Gourlay had come into collision with the Government of the day by advising the people to petition for their War Losses, and for a reform of existing abuses; and in order to get rid of him this Statute was raked up. When put upon his trial the only question allowed to be put was whether he had obeyed the judgment passed upon him in the first instance. He believed that all Mr. Gourlay required was an expression of opinion on the part of that House that his character might be relieved of the stigma under which he now lay.[148]

((There were)) some further observations from MESSRS. LAFONTAINE, DUGGAN, and HALL, in reference to the want of a specific prayer in the petition[149].

MR. MOFFATT agreed to withdraw the motion with the view of re-considering the construction of the petition[150], and ((to)) put a specific claim before the Government.[151]

FOOTNOTES - 16 APRIL 1846.

1. LE JOURNAL DE QUEBEC, 25 April 1846, observed: "Jeudi M. Moffatt présenta une pétition de onze conseillers de la cité de Montréal, exposant les circonstances relatives à la récente élection du maire de la cité, et demandant à la chambre d'adopter des moyens pour mettre fin à l'état de discorde qui régne maintenant dans la municipalité de cette ville."
2. MONTREAL GAZETTE, 20 April 1846.
3. The debate on this motion was reported by: MIRROR, 16 April 1846, which misdated the account as 15 April 1846, and PILOT, 18 April 1846, in identical accounts.
4. MIRROR, 16 April 1846, misdated as 15 April.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. This debate was reported in identical accounts by: MIRROR, 16 April 1846, and PILOT, 21 April 1846. This report identifies the Chairman as M. Laterrière rather than Macdonell of Dundas as reported in the JOURNALS.
12. MIRROR, 16 April 1846.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. The debate on this matter was reported by: MIRROR, 16 April 1846, and PILOT, 18 April 1846, in identical accounts; and MONTREAL GAZETTE, 20 April 1846, CHATHAM GLEANER, 28 April 1846, BRITISH COLONIST, 28 April 1846, and LA MINERVE, 20 April 1846, in identical accounts except that the MONTREAL GAZETTE's account contained more speakers and longer speeches. According to CHATHAM GLEANER, 28 April 1846, the "debate on the bill, to re-charter the Niagara and Detroit Rivers Railroad Company, was spirited and lengthy."
18. MIRROR, 16 April 1846. CHATHAM GLEANER, 28 April 1846, observed: "Col. Prince ably defended the company ... in a powerful speech, distinguished alike for its argument and eloquence."
19. MIRROR, 16 April 1846.
20. MONTREAL GAZETTE, 20 April 1846.
21. MIRROR, 16 April 1846.
22. MONTREAL GAZETTE, 20 April 1846.
23. MIRROR, 16 April 1846.
24. MONTREAL GAZETTE, 20 April 1846.
25. MIRROR, 16 April 1846.
26. MONTREAL GAZETTE, 20 April 1846.
27. MIRROR, 16 April 1846.
28. MONTREAL GAZETTE, 20 April 1846.

29. MIRROR, 16 April 1846.
30. MONTREAL GAZETTE, 20 April 1846.
31. MIRROR, 16 April 1846.
32. MONTREAL GAZETTE, 20 April 1846.
33. MIRROR, 16 April 1846.
34. MONTREAL GAZETTE, 20 April 1846.
35. MIRROR, 16 April 1846.
36. MONTREAL GAZETTE, 20 April 1846.
37. MIRROR, 16 April 1846.
38. MONTREAL GAZETTE, 20 April 1846.
39. MIRROR, 16 April 1846.
40. MONTREAL GAZETTE, 20 April 1846.
41. MIRROR, 16 April 1846.
42. MONTREAL GAZETTE, 20 April 1846.
43. MIRROR, 16 April 1846.
44. MONTREAL GAZETTE, 20 April 1846.
45. MIRROR, 16 April 1846.
46. MONTREAL GAZETTE, 20 April 1846.
47. MIRROR, 16 April 1846.
48. MONTREAL GAZETTE, 20 April 1846.
49. MIRROR, 16 April 1846.
50. MONTREAL GAZETTE, 20 April 1846.
51. MIRROR, 16 April 1846.
52. MONTREAL GAZETTE, 20 April 1846.
53. MIRROR, 16 April 1846.
54. MONTREAL GAZETTE, 20 April 1846.
55. MIRROR, 16 April 1846.
56. MONTREAL GAZETTE, 20 April 1846.
57. IBID.
58. MIRROR, 16 April 1846.
59. MONTREAL GAZETTE, 20 April 1846.
60. IBID.
61. IBID.
62. MIRROR, 16 April 1846.
63. MONTREAL GAZETTE, 20 April 1846.
64. MIRROR, 16 April 1846.
65. MONTREAL GAZETTE, 20 April 1846.
66. MIRROR, 16 April 1846.
67. MONTREAL GAZETTE, 20 April 1846.
68. MIRROR, 16 April 1846.
69. MONTREAL GAZETTE, 20 April 1846.
70. MIRROR, 16 April 1846.
71. MONTREAL GAZETTE, 20 April 1846.
72. MIRROR, 16 April 1846.
73. MONTREAL GAZETTE, 20 April 1846.
74. MIRROR, 16 April 1846.
75. MONTREAL GAZETTE, 20 April 1846.
76. MIRROR, 16 April 1846.
77. MONTREAL GAZETTE, 20 April 1846.
78. MIRROR, 16 April 1846.

79. MONTREAL GAZETTE, 20 April 1846.
80. IBID.
81. IBID.
82. MIRROR, 16 April 1846.
83. MONTREAL GAZETTE, 20 April 1846.
84. MIRROR, 16 April 1846.
85. MONTREAL GAZETTE, 20 April 1846.
86. MIRROR, 16 April 1846.
87. IBID.
88. MONTREAL GAZETTE, 20 April 1846.
89. MIRROR, 16 April 1846.
90. MONTREAL GAZETTE, 20 April 1846.
91. MIRROR, 16 April 1846.
92. MONTREAL GAZETTE, 20 April 1846.
93. MIRROR, 16 April 1846.
94. MONTREAL GAZETTE, 20 April 1846.
95. MIRROR, 16 April 1846.
96. MONTREAL GAZETTE, 20 April 1846.
97. MIRROR, 16 April 1846.
98. MONTREAL GAZETTE, 20 April 1846.
99. MIRROR, 16 April 1846.
100. MONTREAL GAZETTE, 20 April 1846.
101. MIRROR, 16 April 1846.
102. MONTREAL GAZETTE, 20 April 1846.
103. MIRROR, 16 April 1846.
104. MONTREAL GAZETTE, 20 April 1846.
105. MIRROR, 16 April 1846.
106. MONTREAL GAZETTE, 20 April 1846.
107. MIRROR, 16 April 1846.
108. MONTREAL GAZETTE, 20 April 1846.
109. MIRROR, 16 April 1846.
110. MONTREAL GAZETTE, 20 April 1846.
111. MIRROR, 16 April 1846.
112. MONTREAL GAZETTE, 20 April 1846.
113. MIRROR, 16 April 1846.
114. MONTREAL GAZETTE, 20 April 1846.
115. MIRROR, 16 April 1846.
116. MONTREAL GAZETTE, 20 April 1846.
117. IBID.
118. MIRROR, 16 April 1846.
119. MONTREAL GAZETTE, 20 April 1846.
120. MIRROR, 16 April 1846.
121. MONTREAL GAZETTE, 20 April 1846.
122. MIRROR, 16 April 1846.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. IBID.

129. IBID.
130. IBID.
131. IBID.
132. IBID. The MIRROR reported that the House adjourned just a few minutes before mid-night.
133. MIRROR, 16 April 1846.
134. IBID.
135. IBID.
136. IBID.
137. The debate on this matter was reported by: MIRROR, 16 April 1846, and MONTREAL GAZETTE, 20 April 1846.
138. MIRROR, 16 April 1846.
139. MONTREAL GAZETTE, 20 April 1846.
140. MIRROR, 16 April 1846.
141. IBID.
142. IBID.
143. IBID.
144. MONTREAL GAZETTE, 20 April 1846.
145. MIRROR, 16 April 1846.
146. MONTREAL GAZETTE, 20 April 1846.
147. MIRROR, 16 April 1846.
148. MONTREAL GAZETTE, 20 April 1846.
149. MIRROR, 16 April 1846.
150. IBID.
151. MONTREAL GAZETTE, 20 April 1846.

(104)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Chauveau,--The Petition of Alexis Bertrand, a militia man disabled during the late war with the United States.

By Mr. Foster,--The Petition of the Reverend Andrew Balfour and others, members of the United Church of England and Ireland in the Diocese of Quebec.

By Mr. Macdonald of Glengary,--The Petition of John Wetenhall, Esquire, and others.

By Mr. Boutillier,--The Petition of Simon Gendron, and Joseph Benoit, Esquires, Mayor and Secretary, in behalf of the Municipal Council of Ste. Rosalie.

By Mr. Taché,--The Petition of Francis C. T. Arnoldi, M.D., and others, the Corporation of the School of Medicine and Surgery.

By the Honourable Mr. Moffatt,--The Petition of William Benjamin and others, members of the Montreal Portuguese Congregation of Israelites.

By Mr. Solicitor General Taschereau,--The Petition of F. H. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Lévi and other Parishes in the County of Dorchester.

By Mr. M'Connell,--The Petition of the Reverend C. Jackson and others, of the Protestant Episcopal Mission of Hatley, in the Diocese of Quebec; and the Petition of A. A. Adams and others, of the Townships of Barnston and Barford.

(105)

By Mr. Boulton,--The Petition of the Honourable Robert S. Jameson and others, of the Trustees of the Toronto Hospital Endowment.

By Mr. Price,--The Petition of M. T. O'Beirne and others.

By the Honourable Mr. Baldwin,--The Petition of Eli Gorham and others, of the Township of Whitchurch; the Petition of John Bogart and others, of the Township of Whitchurch; the Petition of David Parish and others, of the Village of Paris, in the District of Gore; the Petition of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London; the Petition of Luther H. Cronk and others, of the Township of Whitby; the Petition of David Rintoul and others, of the Township of Beverley; the Petition of the Reverend R. Wilson, in behalf of the Presbyterian Congregation of Paris; and the Petition of John Johnston and others, of the Townships of Uxbridge and Scott.

Gaspé Administration of Justice Bill.

An Engrossed Bill for the better administration of Justice in the General Sessions of the Peace for Gaspé, and to prevent charges upon the Treasury of the Province for unnecessarily summoning Jurors thereto, was read for the third time.

Mr. Christie moved, seconded by Mr. LeBoutillier, that the Bill do pass, and the Title be, "An Act for the better administration of Justice in the General Sessions of the Peace for Gaspé, and for preventing Charges upon the Treasury of the Province for unnecessarily summoning Jurors thereto."

The Question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Baldwin, Bertrand, Boulton, Bouthillier, Cauchon, Christie, Colville, Cummings, DeWitt, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Franchère, Gowan, Hale, Hall, Johnston, Lacoste, LaFontaine, Lantier, Laterrière, Macdonald of GLENGARY, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Monro, Murney, Papineau, Powell, Price, Riddell, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Thompson, Viger, Webster, and Woods.--(50.)

NAYS.

Chabot, Chauveau, DeBleury, Jobin, and Leslie.--(5.)

So it was carried in the affirmative, and

Resolved, Accordingly.

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day the following Petitions were read:--

Of John Laing and others, of the Eastern District; praying for aid to improve the Road leading through a part of Matilda to the River Nation, in the Township of Mountain.

Of H. O'Hara, Esquire, and others, members of the United Church of England and Ireland, in the Diocese of Quebec, and of J. S. M'Cord, Esquire, and others, members of the United Church of England and Ireland in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of William B. Kerns and others, members of the United Church of England and Ireland, in the Township of Nelson, in the District of Gore; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Andrew Pettit and others, members of the United Church of England and Ireland, in the Township of Grimsby, in the Diocese of Toronto; praying that the said Church may have the control of its share of the

Provincial grant for the support of Common Schools.

Of Joseph Hudon, Esquire, President, and Jean Bte. Martin, Secretary and Treasurer, on behalf of the Corporation of the Municipality of St. Paschal, in the County of Kamouraska; praying for aid to open a road to the State of Maine.

Of Joseph Ouellet, Esquire, and others, of Trois Pistoles, in the County of Rimouski; praying for an aid to open a road from Trois Pistoles to Lake Temiscouata.

Of the Reverend F. X. Delâge and others, of the City of Quebec, and of St. Michel and other Parishes; praying that the Licenses for cutting Wood on the borders of the Saguenay be not granted exclusively to any person.

Of J. B. A. Chamberland, Esquire, and others, of the County of Rimouski; praying that the Counties of Rimouski and Kamouraska be formed into a separate District for Judiciary purposes.

Of Joseph Smith and others, inhabitants of the Township of Compton, in the District of St. Francis; praying for aid to complete the road from the Province Line at Hereford to Compton.

Of Samuel Cardinal, Esquire, and others, inhabitants of Sandwich and its neighbourhood, in the Western District; praying to be indemnified for losses sustained by them during the late Rebellion and invasion of the Province.

Of Thomas Willson and others, of Thorold, in the District of Niagara; praying for the construction of a Bridge over the Welland Canal at a certain place.

Of Mrs. Lucinda Lane, mother of William Lane, late Clerk in the Provincial Secretary's Office; praying that a pension be allowed to her said son, in consideration of a mental affliction under which he labours.

Petitions referred:

Ordered, That the Petition of William Gamble and others, of the Home District, be referred to the Standing Committee on Private Bills.

W. Gamble, et al.

Rule dispensed with.

Ordered, That the Rule of this House requiring notice of the said Petition to be given in one of the newspapers of the District be dispensed with in so far as relates to the same.

Honourable P. M'Gill, et al.

Ordered, That the Petition of the Honourable Peter M'Gill and others, of the City of Montreal, be referred to the Standing Committee on Private Bills.

J. Hall, et al.

Ordered, That the Petition of John Hall and others, of Dumfries, in the District of Gore, be referred to the Select Committee to which was referred the Petition of James K. Andrews and others, inhabitants of the Township of Dumfries, in the District of Gore.

T. Willson, et al.

Ordered, That the Petition of Thomas Willson and others, of Thorold, in the District of Niagara,

be referred to the Select Committee to which was referred the Petition of the Municipal Council of the District of Niagara, (relating to a road,) and another reference.

J. DeCow, et al.

Ordered, That the Petition of John DeCow, Senior, and others, of the County of Haldimand; the Petition of Ronald M'Kinnon and others, of the

(106)

R. M'Kinnon, et al.

Townships of Seneca and Oneida, in the District of Gore; the Petition of George Silver and others, inhabitants of the Township of Clinton,

Geo. Silver, et al.

in the District of Niagara; and the Petition of Absalom Haines and others, inhabitants of the

A. Haines, et al.

Township of Louth, in the District of Niagara, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

G. Cutlin, et al.

Ordered, That the Petition of Gersham Cutlin and others, members of the United Church of England

W. Graham, et al.

and Ireland, in the Township of Lansdown, in the Diocese of Toronto; the Petition of William Graham and others, members of the United Church of

G. Hornick, et al.

England and Ireland, in the Township of Escot, in the District of Johnstown, in the Diocese of

Rev. T. G. Elliot, et al.

Toronto; the Petition of George Hornick and others, members of the United Church of England

A. Pettit, et al.

and Ireland, in the Township of Kitley, in the Diocese of Toronto; the Petition of the Reverend T. G. Elliot and others, members of the United Church of England and Ireland, in the Township of Colchester, in the Western District; and the Petition of Andrew Pettit and others, members of the United Church of England and Ireland, in the Township of Grimsby, in the Diocese of Toronto, be referred to the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto.

T. Appleton, et al.

Resolved, That the Petition of T. Appleton and others, Contractors, Master Builders, and Masons, of Montreal, be referred to a Select Committee, composed of the Honourable Mr. DeBleury, the Honourable Mr. Viger, the Honourable Mr. Attorney General Smith, Mr. Solicitor General Taschereau, and the Honourable Mr. Moffatt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. A. Gemmill, et al.

Resolved, That the Petition of John A. Gemmill and others, of the District of Bathurst, be referred to a Select Committee, composed of Mr. Cameron, Mr. Stewart of Bytown, Mr. Petrie, and Mr. Sherwood of Brockville, to examine the contents thereof, and to report thereon with all conven-

ient speed; with power to send for persons, papers, and records.

Johnstown Municipal Council. — *Resolved, That the Petition of the Municipal Council of the District of Johnstown be referred to a Select Committee, composed of Mr. Gowan, the Honourable Mr. Attorney General Draper, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Baldwin, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

J. D. Parmenter, et al. — *Ordered, That the Petition of Joel D. Parmenter and others, of Gananoque, Leeds, and Lansdown, be referred to the said Committee.*

S. Solmes, Esq. et al. — *Resolved, That the Petition of Samuel Solmes, Esquire, and others, of the District of Prince Edward, be referred to a Select Committee, composed of Mr. Roblin, Mr. Powell, and Mr. Hall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

S. Wood, et al. — *Resolved, That the Petition of Samuel Wood and others, Agriculturists, be referred to a Select Committee, composed of Mr. Merritt, the Honourable Mr. Baldwin, Mr. Duggan, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

J. H. Comins, — *Resolved, That the Petition of James H. Comins, of St. Catherines, in Upper Canada, be referred to a Select Committee, composed of Mr. Merritt, Mr. Macdonell of Stormont, and Mr. Thompson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Message from Legislative Council. — *A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.*

LEGISLATIVE COUNCIL,
Thursday, 16th April, 1846.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House that the Legislative Council do concur in the Resolution communicated to them on the 14th of April instant, and have agreed to an Address to be presented to His Excellency, the Administrator of the Government, thereupon; to which Address the Legislative Council desire their concurrence, and also that it may be signed on their behalf.

Magdalen Islands Address. — *To His Excellency Lieutenant-General, the Right Honourable Charles Murray, Earl Cathcart of Cathcart, in the County of Renfrew, Knight Commander*

of the Most Honourable Military Order of the Bath, Administrator of the Government of the Province of Canada, and Commander of Her Majesty's Forces in British North America.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council and of Canada, in Provincial Parliament assembled, humbly pray that Your Excellency will be graciously pleased to interpose your good offices with Her Majesty's Government in behalf of the inhabitants of the Magdalen Islands, for the most part Acadians of French origin, descendants of the Colonists of L'Acadie, (now the Province of Nova Scotia,) originally colonized by France, whose religion, language, usages and interests are identified with those of a majority of the inhabitants of Lower Canada, to prevent the annexation they apprehend of those Islands to the Government of Prince Edward's Island.

Also,

Partition of Lands Bill, (L. C.)

The Legislative Council have passed a Bill, intituled "An Act to facilitate the partition of Lands, Tenements, and Hereditaments in certain cases in Lower Canada," to which they desire the concurrence of the Assembly.

And then he withdrew.

An engrossed Bill from the Legislative Council, intituled "An Act to facilitate the partition of "Lands, Tenements, and Hereditaments in certain cases in Lower Canada," was read for the first time.

Church Society.

The Honourable Mr. Solicitor General Sherwood, from the Select Committee to which was referred the Petition of the Church Society of the Diocese of Toronto, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee have taken into consideration the subject matter of the Petitions of the Church Societies of the Dioceses of Toronto and Quebec, and the Petitions of others on the same subject, and they beg most respectfully to report the adoption of the accompanying Address to Her Most Gracious Majesty, the

(107)

Queen, with a view of carrying out the objects and wishes of the Petitioners.

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

Address to Her Majesty.

We, Your Majesty's dutiful and loyal subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, beg leave to represent to Your Majesty,

That by the Act, intituled "An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof," the Government of the Province of Canada is empowered to sell all or any part of the Clergy Reserves, under regulations to be approved by Your Majesty in Council, and that the proceeds in money to be derived from the sale and leasing of the Clergy Reserves, after the deducting of certain allowances, which are specified in the said Act, are directed to be divided into two equal parts; one of which is to be distributed in certain portions between the Churches of England and Scotland, and the other to be applied by the Governor of this Province, with the advice of the Executive Council, for the purposes of Public Worship and religious instruction in Canada.

That, from these provisions, it appears that it was not the intention of the Imperial Parliament, at the time of the passing of the said Act, to apportion the said lands among the denominations of Christians whose claim were therein recognized, but rather to place the Clergy Reserves at the disposal of the Goverrment, to be sold, and the proceeds to be divided in the proportions mentioned in the said Act.

That the attention of the Provincial Legislature has been drawn to this subject by the Petition of the Church Society of the Diocese of Toronto and the Diocese of Quebec, and other Petitions, signed by many thousand persons, members of the United Church of England and Ireland, resident in the said Diocese of Toronto, and Diocese of Quebec; praying to have the control over, and the disposition and management of, their respective shares of the Clergy Reserves, as is equivalent to the proportion of the funds assigned by the provision of the Act of the Imperial Parliament, as aforesaid, passed in the fourth year of Your Majesty's Reign, and they concur in the prayer of the Petitions, for the following considerations:--

First, That at the time these lands were set apart for the support of Religion, and the maintenance of Public Worship, it was thereby intended to create an adequate fund to form a permanent endowment for those important objects; but they now perceive that, under the system adopted, the share appropriated to the Church of England, the Church of the petitioners, is likely to be in a great measure consumed by charges which appear unnecessary, and to so great an extent, as, if persevered in, will reduce it to little more than a nominal provision for the support of their Church.

That the policy of the Imperial Government has ever been, with this exception, to place under the management and direction of the Church they meant to support, such endowment as they deemed it expedient to grant. Thus, in the State of New York, the members of the Church of England are at this day enable to build their Churches and station their Missionaries in every section of that extensive country, by the aid of funds provided by the pious care of a British Monarch when that country was a British Colony. That the numerous Dutch population of the same State, are supplied with pastors from ample funds provided also at an early day by the care of the Government; and that, in both these cases, the foundation of the endowment was a grant of land, small

in extent and value at the time it was made, compared with the Clergy Reserves set apart in this Colony, by His late Majesty, King George the Third; but which grants being scrupulously preserved, carefully and economically managed by their respective Churches, which were deeply interested in their proceeds, and at the same time respected by succeeding Governments, now yield munificent resources for the support of religion.

Second, We beg permission further to represent, that our Roman Catholic fellow-subjects of Lower Canada have been treated by the Imperial Government with the same generosity and confidence. They enjoy at this day the most ample endowment for their Churches and Colleges, arising from early grants of land, which, if alienated at the value they once bore, would have afforded but a nominal provision wholly inadequate to the wants of the passing hour; when we contrast these several examples of the generosity of the Imperial Government, and the valuable result from such proceeding, we feel strongly the impolicy of the provision in the Act to which we have referred, and the justice of the claims set forth by the Petitioners. Moreover, while this policy continues, murmurings and heart-burnings must be continually engendered against the Provincial Government, by a very large portion of Your Majesty's most loyal subjects for the mismanagement of the property, whether well grounded or otherwise; so that it would be no small advantage to be relieved from a burthen which must be always attended with much vexation and grave discontent.

Wherefore, we most humbly beseech Your Majesty to recommend to the Imperial Parliament to amend the aforesaid Act, passed in the fourth year of Your Majesty's Reign; so as to place at the disposal of the Church of England their share of the said Reserves in Upper and Lower Canada respectively, to be controlled and managed by Lay Committees of the respective Incorporated Church Societies of the Dioceses of Toronto and Quebec; and to be sold under such regulations and conditions, and within such a period of time as Your Majesty, by Order in Council shall from time to time direct; and that Your Majesty will be pleased to extend to other denominations entitled to a share of the Clergy Reserve fund, the same advantages if they so desire.

We beg to renew, on this occasion, the assurance of our entire devotion to Your Majesty's Person and Government.

Report to be Printed. — *Ordered, That five hundred copies of the said Report be printed for the use of the Members of this House.*

F. F. Carruthers. — *Mr. Gowan from the Select Committee, to which was referred the Petition of Frederic Fraser Carruthers, Esquire, of the City of Toronto, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Your Committee have examined the said Petition, and recommend a Bill in favour of the Petitioner to the favourable consideration of your Honourable House.

Bill. Ordered, That Mr. Gowan have leave to bring in a Bill to authorize the Court of Queen's Bench and the High Court of Chancery, at their discretion, to admit Frederic Fraser Carruthers to practise as an Attorney and Solicitor thereof, respectively.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

(108)

Message from His Excellency. The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Administrator of the Government, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

CATHCART.

Clergy Reserves. The Administrator of the Government informs the Legislative Assembly, in reply to their Address of the 14th instant, that He has received no Communication from Her Majesty's Secretary of State, relating to suspending the sale of the Clergy Reserve Lands.

GOVERNMENT HOUSE,
17th April, 1846.

Niagara Police. Mr. Dickson, from the Select Committee to which was referred the Petition of Richard Miller and others, the President and members of the Board of Police of the Town of Niagara, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. Your Committee beg leave to Report, that at the time the Statute 59th Geo. 3rd, rating Town Lots in Niagara and Queenston at the sum of fifty pounds per annum, was passed, it was under the impression that those Towns being at the head of the navigation would become places of great importance, and improve in such a ratio as would justify said assessment, but since the construction of the Welland Canal both Towns have been materially retarded in the improvement that was anticipated, and property therein worth nothing like the amount that it is in other Villages in the same District, where no such tax is imposed. Your Committee, therefore, consider the Repeal of the Second clause of 59th Geo. 3rd, in so much as the same relates to the Towns of Niagara and Queenston, desirable, and they therefore recommend the prayer of the Petitions to the favourable consideration of your Honourable House.

Niagara and Queenston Assessment Bill. Ordered, That Mr. Dickson have leave to bring in a Bill to alter the mode of Assessment in the Towns of Niagara and Queenston.

He accordingly presented the said Bill to the

House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Hochelaga Municipal Council.

Mr. Leslie, from the Select Committee to which was referred the Petition of the Municipal Council of Hochelaga, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee have considered the Petition of the Municipal Council of Hochelaga, praying for a Division of the Parish of Montreal, into five distinct Municipalities; and having duly considered the same, they are of opinion, that such a division would be exceedingly beneficial to the interests of the inhabitants, and they therefore beg leave to recommend that it be carried into effect; and they would further suggest, that each of the Municipalities so to be established, be authorized to assess themselves, for the maintenance of Schools, to any amount, not exceeding three times the Government allowance. Also, that each School District be assessed separately, when so decided by the Municipal Council, provided that no district be assessed for a less amount than its own share of the Government allowance. The said Municipalities might be authorized also to assess themselves to the amount of £200 in one School District, and £100 in the others, for the building of School-Houses, where none exist at present.

With regard to that portion of the Petition, which prays for grants of Public Monies to equal the above assessment, and also for a distinct allowance for the maintenance of Superior Schools, when in operation, similar to those already allowed to several Academics and Educational Institutions; your Committee conceive that the importance of the Parish of Montreal would warrant such grants hereafter, if the inhabitants should make the efforts in a pecuniary point of view, which the Petition seems to indicate; and they recommend the subject to the notice of the Executive Government, to whom action appertains in this matter.

Your Committee approve of that part of the Petition, which asks for a separation of the matters relating to Schools and Municipalities; and they believe that in that case, Five Councillors and Five School Commissioners for each Municipality, would be sufficient.

Your Committee conceive that the Municipalities should have control over Taverns and Play-Houses; they ought also to have the powers prayed for with regard to adopting measures for the preservation of Health and Cleanliness, and for the prevention of Fires, and for maintaining good order in any part which they may establish as a Village. The Municipalities should also cause a census to be taken from time to time, at their own expense, so as to give to the Superintendant of the Schools the means of apportioning the School Moneys.

Your Committee have also considered the Petition of James Dickson and others, of the Banlieue of Three Rivers; praying that the said Banlieue be incorporated as a distinct Municipality, separate from the Town of Three Rivers; and they respectfully recommend that it be so in-

corporated, but that the Law, in every other respect, remain as it is at present.

The Petition of P. P. Demaray, and P. Gamelin, Esquires, Warden and Secretary of the Municipal Council of the Parish of Saint Johns, Dorchester, praying the consideration of the House to certain Resolutions, submitted by them, with respect to an extension of the powers granted to Municipal Councils.

The first suggestion, that the Municipal Councils may have the sole right of granting Shop and Tavern Licenses within their jurisdiction, is a matter well deserving the attention of the Government, as it is of a general nature, and not one merely affecting this Municipality. They further desire that the Mayor of the Municipality, or his Deputy, may be a competent Judge in Road and Police matters, without assembling the Councillors,--a power which your Committee do not think it would be expedient to grant.

They also pray for the Repeal of the Act 4th, Geo. 4th chap. 2, on the ground that it does not agree in its operation with the Municipal Act; should such really be the fact, your Committee conceive that it is the province of the Government to make the Acts alluded to agree in their general effect.

With respect to that part which relates to a Division of the Southern part of the District of Montreal, for Judicial purposes, and the establishment of Criminal Courts for minor offences, your Committee are humbly of opinion, that those subjects cannot properly come within the powers of the Committee.

Report to be Printed. Ordered, That three hundred copies of the said Report be printed for the use of the Members of this House.

Hochelaga Division Bill. Ordered, That Mr. Leslie have leave to bring in a Bill to divide the Municipality of Hochelaga into five distinct Municipalities, and further to provide for the support of Schools and the management of local affairs therein.

(109)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

J. R. Gemmill. Mr. Cameron, from the Select Committee, to which was referred the Petition of John R. Gemmill, of the Town of Lanark, in the District of Bathurst, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. Your Committee, to whom was referred the Petition of J. R. Gemmill, Esquire, of Lanark, son of the late Reverend S. Gemmill, Presbyterian minister, of Lanark, in the County of Lanark, beg leave to report, that they find the late Father of the

Petitioner was a Presbyterian Minister, who came to this country about 1822, with a large emigration of settlers, well known as the Lanark settlers, from the Counties of Lanark and Renfrew, in the West of Scotland; that all these settlers received grants of Land and a loan of Money; that the said S. Gemmill officiated many years amongst this people as their Pastor, with little or no remuneration from them, and that Government granted an order in Council about 1836, to authorize the Land granting department to give the said S. Gemmill three hundred acres of land; but from various causes, connected with the said land granting department, and not in any way depending on Petitioner's Father, he failed during his life to get this land, although it is known to one member of this Committee, that he made several fruitless attempts to obtain it, but owing to the continually changing regulation of that day he could not succeed in obtaining land fit for settlement.

That this state of things remained until 1841, when an application for certain land by petitioner's father, who had become aged and infirm, he was informed his application was now too late; shortly after this he, petitioner's Father, died, and the son applied for scrip, and was informed the order in Council had become lapsed.

Your Committee respectfully recommend that an Act of your Honourable House be immediately passed, not only to do justice to this petitioner, but to all who are similarly situated, who may have orders in Council, which have been in this way repudiated by Government.

G. H. Ryland, Esq. Mr. Macdonald of Kingston, from the Select Committee to which was referred the Petition of G. H. Ryland, Esquire, Registrar of Montreal, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

Report. Your Committee after a careful examination of the numerous Documents and Correspondence connected with Mr. Ryland's case, have established the following facts, viz.:--

That in 1818 Mr. Ryland first entered the public service as an Assistant in the Office of the Executive Council of Lower Canada, and in 1821 was appointed and sworn in as Clerk Assistant of the said Council, which office he held until the 13th October, 1838. On that day he received his Patent from the Earl of Durham, the then Governor General, as Clerk of the Executive Council of Lower Canada, an appointment which appears to have been conferred in the usual manner, and without any conditions attached thereto.

From the period of Mr. Ryland's appointment in 1838, as Clerk of the Council of Lower Canada, he continued to discharge the duties of that office until the Union of the Provinces. When that event took place, Lord Sydenham, the then Governor General, did not deem it necessary or advisable to deprive Mr. Ryland of his office, but, on the contrary, thought proper to "continue his services" as Clerk of the Executive Council of Canada, and he was accordingly sworn in under his old Letter Patent to perform the duties of his office, as appears by the Minutes of Council of the 13th February, 1841, and on the removal

of the Seat of Government to Kingston, he proceeded to that place with the rest of the Public Officers, in charge of his Department.

Even supposing Lord Normanby's Despatch of the 3d July, 1839, to have been applicable to Mr. Ryland's case, (which the Committee do not admit,) it is evident that the contingnecy therein mentioned did not occur. For instead of its being found impossible to continue his services, he was actually appointed Clerk of the Executive Council of the Province of Canada after the Union, and continued to perform the duties of the office for nearly a year afterwards. In August, 1841, Lord Sydenham thought it necessary, on grounds of public policy, and in organizing his Council on a new system, to make several changes in the constitution of that body, and to transfer many of the duties which, up to that period had been performed by the Clerk, to the President of the Council, whose salary was increased from £100 to £1,100 per annum. In consequence of this arrangement, the Governor General proposed to Mr. Ryland to surrender his appointment, and to accept in its stead the office of Registrar of the District of Quebec, at the same time guaranteeing to him an annual income, from the emoluments of such office, equal to the sum of £515 currency, which it was admitted he would be entitled to as a retiring allowance, under the Imperial Statute, 4 and 5 Wm. IV., cap. 24, by which the amount of pensions granted to the other Officers who retired from the public service was regulated.

Mr. Ryland, on being thus guaranteed, and being assured that the emoluments of the Registrar, under the Ordinance then lately passed, would amount for the first year to a very large sum, affording him ample compensation for the loss of the Council Office, acceded to this proposal, and placed his situation at His Excellency's disposal. But he expressly stipulated in his official acceptance of the new appointment, as well as in his answer to the Circular of His Excellency Sir Richard Jackson, dated 8th December, 1841, "that in the event (of the Registrarship of the District of Quebec) not providing nearly equal in value to his appointment as Clerk of the Executive Council, the sum guaranteed was not to be considered as compensation in full, either for the loss of that office, or of his claim upon the Government." In consequence, however, of Lord Sydenham's decease, the Ordinance was not put in force in October, 1841, as had originally been determined, and it was not until January following that the law was promulgated. During this delay the Legislature altered the Ordinance, and in effect deprived Mr. Ryland of the advantages that he would have received from the law as it stood when he was first appointed; and, notwithstanding his remonstances, no steps were taken by the Executive to protect him under the arrangement previously entered into with him. And yet about the same time the Clerkship of the Council, which until then had remained vacant, was filled up, and Mr. Ryland thus prevented from returning to it, as he had originally stipulated in his acceptance of the Registrarship. Although Mr. Ryland was appointed under his arrangement with Lord Sydenham, Registrar of the District of Quebec, and although the emoluments of such appointment were insufficient to satisfy his just expectations, yet, in addition to his other losses, he was obliged, by the passing of

an Act during the Session of 1844, abolishing District Registrarships, to receive instead the situation of Registrar of the County of Quebec, being only one-fourth of the office originally conferred upon him. And it is proved to your Committee, by the Report of the Commissioner appointed to examine into the several offices by the Registry Ordinance,

(110)

that this situation, instead of being one of profit to Mr. Ryland, has only been a source of labour and expense.

On the death of the late Registrar of Montreal, the Governor General proposed to Mr. Ryland that he should be transferred from the Quebec to the Montreal Registry Office. In acceding to this proposal, Mr. Ryland again stipulated that it should not be considered as in any way interfering with his claims under his previous arrangement with Government.

That this transfer has not benefited Mr. Ryland, is proved conclusively by the following extract from the Report of Mr. Clark, the Commissioner to inspect the offices in the District of Montreal, dated the 7th April, 1846:--

"Since the 9th of July, 1845, the day on which Mr. Ryland assumed the duties of the Office, the work has progressed with all possible celerity; 356 Registrations by that gentleman remaining to complete the work, and 403 Entries to complete the Journal or Minute-Book. These arrears were unavoidable in consequence of the press of business, and are being made up as rapidly as the means provided by law will admit."

"The Revenue of the Office since the 9th July, 1845, was £496; a sum scarcely sufficient to meet the actual disbursements of the Office, and yielding no remuneration whatever to Mr. Ryland."

Thus it appears that Mr. Ryland, by trusting to the guarantee of the late Governor General, has lost a lucrative office--has been deprived of all emolument, from his substituted appointments--and is now threatened with the loss of his retiring allowance, which he would have had a right to claim, at the same time that other Officers similarly situated were placed on the Pension List of the country.

Your Committee, on a consideration of the circumstances above stated, cannot but consider that Mr. Ryland's case is one of great hardship,--that his claims, the justice of which has been officially recognized by the late Governor General, Lord Metcalfe, ought not to be avoided or overlooked; and that he has a right to expect that the contract entered into between him and the Government, of which he has performed his part, should be carried out, according to its terms; or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

Report to be Printed. — Ordered, That two hundred copies of the said Report be printed for the use of the Members of this House.

Report Committed. — Ordered, That the said Report be committed to a Committee of the whole House, on Thursday next.

Private Bills. Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Eighth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Albion Road Bill. Your Committee have examined the Bill to incorporate certain persons under the name of the Albion Road Company, and have made several amendments thereto, which they submit to your Honourable House.

"La Communauté des Filles de la Charité," Bill. They have also examined the Bill to incorporate "La Communauté des Filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes; and report favourably upon the same, taking into view the many precedents that exist, of Societies very similar to the one in question, and many of much less public and general benefit, being incorporated by the Legislature; they feel it at the same time to be their duty to submit for the consideration of your Honourable House, with reference as well to the measure, now the object of their report, as to others previously reported upon, the question of the expediency of carrying out the custom which has prevailed to a great extent, of incorporating socieites of a charitable, benevolent, or religious nature, which, while they are of great and unquestionable benefit to the community, may possibly be considered as not partaking of that commercial or manufacturing character which would render the possession of an act of incorporation for any other purpose than that of holding Real Property necessary; for which purpose a general law would be, in the opinion of your Committee, the more convenient and least expensive provision for the Government, and for the parties concerned.

Cobourg and Port Hope Turnpike. Your Committee have considered the Petition of D. E. Boulton and others; praying to be incorporated for the purpose of constructing a Turnpike Road from Cobourg to Port Hope, but finding, upon inquiry, that the Petitioners have failed to give the notice required by the Rules of your Honourable House, they cannot recommend the prayer of the Petition.

"La Communauté des Filles de la Charité," Bill. Ordered, That the Bill to incorporate "La Communauté des filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes, be Engrossed.

Winter Roads Bill. Ordered, That the Honourable Mr. DeBleury have leave to bring in a Bill to amend certain Ordinances, and an Act relative to Winter Roads in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Albion Road Bill. — *Ordered*, That the Bill to incorporate certain persons under the name of the Albion Road Company, as reported by the Standing Committee on Private Bills, be committed to a Committee of the whole House, on Thursday next.

Petition of J. Hamel, Esq., Printed. — *Ordered*, That five hundred copies of the Petition of Joseph Hamel, Esquire, and others, of the City of Quebec; be printed for the use of the Members of this House.

Quebec Turnpike Roads. — *Ordered*, That the Return to an Address of this House to His Excellency, the Administrator of the Government, of the twenty-fourth of March last, relating to the Quebec Turnpike Trust, be referred to the Select Committee, to which was referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette, and other references.

St. Patrick's Society Bill. — *Ordered*, That Mr. Duggan have leave to bring in a Bill to incorporate the St. Patrick's Society of Montreal, to enable said Society more efficiently to manage the affairs thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Macdonald of Cornwall,

Partition of Lands Bill, (L. C.) — *Ordered*, That the Engrossed Bill from the Legislative Council, intituled, "An Act to facilitate the Partition of Lands, Tenements, and Hereditaments, in certain cases, in Lower Canada," be read a second time on Monday next.

Leave of Absence. — *Ordered*, That Mr. Brooks have leave to absent himself from this House for one week, from Monday next, on urgent private business.

MR. COM. CR. LANDS PAPINEAU,[1] fit motion, conformément à l'avis qu'il en avait donné le jour précédent, que la chambre se constituât en comité, pour considérer s'il n'était pas expédient de rappeler la Loi des Municipalités, pour présenter un nouveau bill à ce sujet. Il concevait que la plus grande partie des dispositions de cette loi pouvaient rester telles qu'elles sont maintenant, masi il y avait des amendemens très nécessaires à faire, et puisqu'il fallait présenter un nouvel acte, il pensait qu'il serait beaucoup moins embarrassant et beaucoup plus clair pour le peuple d'avoir la loi et les amendemens renfermés dans un seul acte, que de les avoir épars dans divers actes du parlement. C'est pourquoi il se proposait de présenter un bill qui renfermerait la plus grande partie des dispositions de celui que la législature sanctionna

sur le même sujet dans la dernière session, et les quelques amendemens qui lui paraissaient nécessaires.[2]

(111)

On motion of the Honourable Mr. Papineau, seconded by the Honourable Mr. Viger,

Municipal Law, (L.C.)

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing the Municipal Law of Lower Canada, and of enacting another, with amendments and new provisions.

The House accordingly resolved itself into the said Committee.

Mr. Stewart of Prescott took the Chair of the Committee,

M. CHABOT pensait que l'on n'avait pas encore eu le temps de se convaincre des bons ou mauvais effets que devait produire cette mesure; les gens commençaient à comprendre les dispositions de l'acte passé l'année dernière, il était mieux d'en faire une plus longue expérience, et ne pas obliger le peuple à se soumettre encore au fonctionnement d'une nouvelle loi.[3]

DR. TACHE dit que s'il comprenait bien l'hon. M. Papineau il ne s'agissait que de mettre en un seul corps la loi déjà en force, avec les amendemens qu'il y avait à faire.[4]

M. CHAUVEAU était fâché de voir qu'aucune loi ne pouvait fonctionner tranquillement dans ce pays, sans être à tout instant amendée et changée de toutes manières. Il voulait savoir si l'on avait quelque raison pour proposer des amendemens à la loi des municipalités, et quelles étaient ces raisons.[5]

MR. COM. CR. LANDS PAPINEAU dit qu'il n'y aura dans le nouveau bill que très peu de dispositions nouvelles: qu'il adopte cette démarche seulement pour que la population des campagnes puisse voir d'un coup d'oeil ce qu'elle a à faire, et qu'au lieu d'avoir deux actes à comparer, elle n'ait qu'une seule loi qui renferme tout.[6]

DR. BOUTHILLIER voulait savoir si c'était l'intention du ministère de faire des changemens dans le système de voirie; si c'était le cas cette mesure serait reçue avec une grande satisfaction, car il était reconnu que ce système, tel qu'il existe actuellement, est une source d'inconvénients.[7]

M. CHAUVEAU pensait que la session était trop avancée pour permettre à la législature de prendre ces amendemens en considération. Ou les changemens étaient peu considérables ou ils l'étaient beaucoup! dans le premier cas on pouvait retarder à une autre année, et acquérir un peu plus d'expérience sur le sujet; dans le second cas, il était trop tard, et les membres du ministère qui trouvaient des amendemens très nécessaires et qui ne les avaient pas présentés plus tôt, étaient coupables d'un grand tort. Mais le mieux était de savoir sur quelles

raisons était basée la motion devant le fauteuil. Lorsqu'on venait dire qu'il est expédient de rappeler une loi passée l'année dernière par les trois branches de la législature, n'était-il pas convenable de demander pourquoi on agissait ainsi?[8]

M. CAUCHON dit que la question de savoir s'il est nécessaire de législater sur un sujet doit venir aussitôt que la mesure est présentée à la chambre; c'est pourquoi il se croyait en droit de demander pour quelles causes on voulait révoquer la loi des municipalités? On doit législater le moins possible, hormis qu'on ne veuille législater que pour dépenser. Il pensait que l'on n'avait pas fait une assez longue expérience de la loi des municipalités. Douze mois n'étaient pas suffisans pour faire connaître les différentes interprétations qu'on peut donner à une loi. Il fallait laisser écouler quelques années, sans quoi on se trouverait dans la nécessité de revenir sur le sujet chaque année, de rappeler de nouveau la loi pour lui faire subir des amendemens. Il ne trouvait pas à-propos de revenir si promptement sur une loi que le peuple ne connaissait pas du tout avant la dernière session, et à laquelle cependant il semblait déjà s'accoutumer; une fois qu'on a porté les gens vers certaines habitude (sic), il ne faut pas les en détourner aussitôt.[9]

MR. COM. CR. LANDS PAPINEAU dit qu'il n'est pas prêt à donner les raisons qu'on lui demande, mais qu'elles seront données en tems convenable.[10]

M. LAFONTAINE dit qu'il voterait pour la motion, parce qu'il était convaincu que cette loi avait ... besoin d'amendemens; lors de sa passation l'année dernière il avait prédit qu'elle ne pourrait fonctionner sans inconvénient, et sa prévision ne s'était que trop bien vérifiée; les personnes de sa profession surtout en avaient fait une pénible expérience; les explications qu'il avait fallu donner à tout moment sur les dispositions de cette loi avaient demandé un tems et des soins considérables. Il était d'opinion comme ses amis qui l'avaient précédé qu'il fallait rappeler les lois le moins souvent possible, parce qu'en les révoquant incessamment, on apprenait au peuple à ne point les respecter. Mais dans le cas présent, ce n'était pas sans besion. Il valait infiniment mieux réunir les amendemens, et la loi, en un seul corps. La principale suggestion qu'il avait à faire était relative à la manière de décider les élections contestées, il pensait que le moyen le plus praticable était de présenter, une requête aux juges, parce qu'autrement l'année s'écoule avant que l'élection soit décidée.[11]

La motion passe sans division.[12]

(111)

and after some time spent therein,

Mr. Speaker resumed the Chair, and

Mr. Stewart of Prescott reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

MR. COM. CR. LANDS PAPINEAU[13] ((fit motion que la Chambre se constituât en comité, pour considérer s'il n'était pas expédient de rappeler)) la loi des écoles ((pour présenter un nouveau bill à ce sujet.))[14]

(111)

On motion of the Honourable Mr. Papineau, seconded by the Honourable Mr. Attorney General Smith,

School Act. *Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing the Provincial Statute of the 8th Victoria, cap. 41, commonly called "The School Act," and of enacting another with amendments and new dispositions.*

The House accordingly resolved itself into the said Committee.

Mr. Stewart of Bytown took the Chair of the Committee,

MR. COM. CR. LANDS PAPINEAU ne voulait pas donner sur cette mesure de plus amples explications que sur celle qui venait d'être donsidéré (sic) par la chambre. Il dirait seulement les deux principaux amendemens qu'il se proposait d'introduire, c'était: 1. de faire cesser tout-à-fait les cotisations volontaires, 2. au lieu de faire payer tant par mois aux enfans qui vont à l'école, d'obliger tous les enfans en âge d'aller à l'école, de payer tant par mois. Les autres amendemens n'étaient que des matières de détail.[15]

M. CHABOT demanda si l'on se proposait d'instituer des bureaux d'examinateurs.[16]

MR. COM. CR. LANDS PAPINEAU dit qu'on avait déjà pensé à introduire cette disposition, mais qu'en réfléchissant on avait cru que les instituteurs n'étant pas déjà trop communs deviendraient encore plus rares, lorsqu'ils seraient obligés de venir se faire recevoir par des bureaux d'examinateurs; la crainte d'être refusés, en empêcherait beaucoup de se présenter, et cette disposition serait alors plus nuisible qu'avantageuse.[17]

M. CAUCHON dit qu'il était satisfait de voir qu'on se proposait d'abolir la cotisation volontaire, il avait été lui-même en faveur de cette disposition l'année dernière, mais il s'était convaincu depuis qu'elle ne pouvait pas opérer. S'il était un objet au monde pour lequel on devrait taxer, c'était assurément pour l'éducation, et si nous devons risquer une fois notre popularité, ce doit être pour ce sujet. Parmi les changemens qu'il trouvait urgens, était l'institution d'un bureau d'examinateurs. Il suggérerait aussi de nommer un surintendant pour chaque district, au ... ((lieu)) d'un seul pour tout le pays. Ce surintendant serait le président d'un bureau d'examinateurs dans chaque district. On pourrait introduire dans l'acte certaines dispositions qui mettraient toute personne en liberté de faire l'école, même quand elle ne serait pas reçue par le bureau d'examinateurs; mais ceux qui auraient été jugés par ce bureau en état d'enseigner, devraient au

moins être certains de trouver une situation honorable. Ce bureau pourrait être chargé de décider les conflits qui surgissent entre les commissaires et les maîtres d'école. Dans de petites localités il existe quelquefois de grandes passions, et l'on a vu des commissaires sacrifier à leurs caprices des instituteurs habiles et éclairés. On a donné aux commissaires un pouvoir illimité; c'est encore un des points qui auraient besoin d'amendemens.[18]

La motion fut emportée à l'unanimité.[19]

(111)

and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Stewart of Bytown reported that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

MR. INSP. GEN. CAYLEY moved the House into Committee of the whole, on amendments in Act of 8 Vic. cap. 3, and 6 Vic, cap. 31.[20]

(111)

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Act 6th Vic. ch. 31, and 8th Vic. ch. 3. (Customs Duties.) — *Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of amending the Act 6th Vic. chap. 31, and the Schedule of Duties granted by 8th Vic. chap. 3.*

The House accordingly resolved itself into the said Committee.

Mr. Méthot took the Chair of the Committee,[21]

MR. INSP. GEN. CAYLEY rose and addressed the Chairman as follows: -[22]

Sir, in[23] moving[24] the Resolutions I hold in my hand, I shall endeavour, as far as possible, to avoid a repetition of the arguments I used on a former occasion in reference to the same subject[25], beyond any allusions which ... ((are)) necessary to the change ... ((I wish)) to propose.[26] I, at that time, went fully into my views as to the policy that should be observed in the imposition of duties for revenue purposes, and that, except in the instances of protective or propibitory (sic) duties, we should endeavour to improve our revenue by encouraging the importation of the articles to be taxed, and not by heavy imposts. I also at that time stated the objects I had in view in encouraging the trade and export of wheat, and the effects on sea-freight I anticipated from increased traffic. It will also be recollected that among the several contemplated reductions in duty upon various articles of our Canadian commerce, I proposed to reduce the duty upon wines. I have, since that time, received representations from several gentlemen largely engaged in the distilling trade as to the injurious effect upon their interests which would probably be produced by the proposed alter-

ation, when taken in connection with the contemplated change in the mode of taxing whiskey; and, though I must confess my own opinion of the expediency of the course proposed remains unaltered, yet[27] as the Distillery Bill was a measure concerning them alone[28], I have so far acceded to their demands as to determine upon levying the duty upon wines at its present rate.[29] The first subject to which I shall now call the attention of the House is the duty of 3s per qr now levied upon American wheat coming into the Province. I propose to repeal that duty entirely, so far as it relates to wheat intended to be exported, whether as wheat or flour; and as I consider the question one of the highest importance[30] to the import and export trade[31], ((and)) to our carrying, mercantile, and shipping interests - interests which are of as great a magnitude as any in the Province[32], ((and upon which)) the magnitude of the wealth and prosperity of the Province depended[33] - I propose to go at some length into the arguments upon which I sustain my proposition. I propose to show that the Canadian can fairly enter into competition with the European farmer in supplying the British markets, and that our forwarders here may successfully compete with our American neighbours, by means of the route by the Western Lakes and the Saint Lawrence, as compared to the route by the Lake Erie Canal to New York. In order to do this, I will first allude to the somewhat desponding statements which had been put forth by the hon. member for Lincoln - a gentleman whose long experience and careful attention to the subject entitles his opinion to great consideration[34]. ((His)) remarks ... were of great weight in the House, and were always listened to with attention. It was a subject which the hon member had made a deep study, and his opinions were always heard with interest. He (Mr. Cayley) would endeavour to meet some of his statements. He referred to a publication which had appeared last year, on the route by the St. Lawrence Canal subsequent to a visit which the hon gentleman had paid to Montréal, to obtain the establishment of tug-boats.[35] He ((Mr. Merritt)) supported his views of the necessity for those boats by showing the impossibility of the St. Lawrence competing with the Erie Canal without them.[36] He ((Mr. Cayley)) wished to remove any impression which this document might have tended to create. It went to state that the St. Lawrence was a more expensive route[37]. He said in that pamphlet that the charge by the Erie Canal from Buffalo to Albany - a distance of 364 miles - for a brl. of flour is 9d, while that from Kingston to Montréal - a distance of only[38] 230 miles[39] - is 1s 9d, tolls by either route not included.[40] Now that certainly appears a very great difference if it is supposed, as the statement would lead us to suppose, that the tolls not included are equal on both routes. This, however, is not the fact[41]. But, hon memsbers (sic) would find that on the Erie Canal the ... ((tolls)) charged on flour amounted to the whole charge involved in the St. Lawrence, on which they were only made in the upper transit. Therefore, on the one side, there was no toll; and, on the other,[42] the true statement will stand thus: - Cost of conveying a barrell of flour from Buffalo to Albany - for freight, 9d; for tolls 35 cents[43], or 1s 9d per barrell[44] - making 50 cts.[45] Could any one

turn to the publication, and imagine such a charge existed.[46] Last year's charge via Saint Lawrence, 1s 9d - difference in favour of latter route, 9d. Now, I will compare this statement with that made to the Upper Canadian Parliament, in 1836, by the same honourable gentleman.[47] And he ((Mr. Cayley)) would refer to the journals and quote the evidence given by him. (The hon gentleman here read from the journals in which Mr. Merritt had stated his opinion, that the Welland canal was the cheaper route.)[48] He said, that the prices of conveyance between New York and Cleveland were 1s per 100 miles more than by way of Oswego and the Welland Canal. Now, to those who were not acquainted with the position of the Oswego Canal, I will mention that it runs from the Lake Ontario and meets the Erie Canal at Syracuse. In fact, that it is cheaper to take the lengthened route through our Canadian channels, than the nearer, through that of our neighbours. If it is cheaper to carry upwards, it will, consequently, be equally advantageous in downward transport. That was the opinion of the hon. gentleman in 1836, and I shall proceed to compare it with that which he entertained in 1840, because it is possible that a lapse of four years may have produced a change in his opinion. In 1840, then, the honourable gentleman addressed Lord Stanley on the subject of the Welland Canal, and informed him that the cost of conveyance of a ton of goods from Buffalo to Albany was $5 70¢,[49] and, by the St. Lawrence, from Kingston to Montreal, $3 40¢, - a calculation which approximated pretty nearly to the former statement of the cost for a barrel of flour[50], 2s 6d[51]. It appears pretty clearly then, that, at the time when the hon. gentleman addressed Lord Stanley, he considered the St. Lawrence route as incontestibly (sic) superior to that by the Erie Canal. I will now proceed to the 2nd point. I shall attempt to show not only that we can maintain and increase this superiority of our own channels of communication, and thus draw the whole of the great Western trade through our waters, but that our farmers may confidently rely on being able to compete with the European grower and to maintain our trade in bread-stuffs with the British market. If I succeed in establishing this last position, we shall then have a point to aim at, which it would be the duty of every man throughout the Province to endeavour to attain. I will first, however, shew what that Western trade is, which I am anxious to lead into our Canadian channels, and how rapidly it has increased. In 1840, the first bread-stuffs were imported to Buffalo from the Upper Lakes by which I suppose Huron and Michigan are meant. In that year the whole quantity was stated to be 3000 bushels of wheat and 200 barrels of flour. This is taken from a Buffalo return. In 1844, the quantity of wheat was 916,971 bushels, and the quantity of flour 431,331[52] barrels,[53] or taking it in quarters 114,571 of wheat and 219,582 of flour[54], showing how immense is the increase of trade which arises from the opening up of a new channel of intercourse, and how enormous is the traffic which, if I am right in my calculations, we may bring through our own great public works. In 1840 the hon. Member for Lincoln stated that the greatest export of Canadian wheat which had ever taken place was 217,318[55]

quarters; I do not find any very great increase since that time, for, looking at the return for 1844, which has been furnished me by one of our most extensive mercantile establishments, I find that the exportation on that year was 294,284[56] quarters. We will now see what proportion this Canadian trade of something under 300,000 quarters bears to the demand for wheat in the English markets. I will go through a series of years. In 1838 the import to Great Britain was 1,371,957 qrs., in 1839 it was 2,300,000[57] qrs., in round figures, in 1840, 3,320,000[58] qrs., and in 1841, 2,703,000[59] qrs., giving an average of 2,615,982 quarters. Now, with regard to the cost price of wheat, I must, of course yield my opinion to that of gentlemen who are more practically acquainted with the subject than myself.[60] He ((Mr. Cayley)) had applied to members who represented agricultural districts to learn what could be considered a fair, profitable price; and[61], I believe, I shall not be very far wrong if I say that at 4s 4d cy. per bushel at the shipping ports on the lakes, the farmer will be able to obtain a remunerating price for his labour. Now, the price of freight from the ports on Lake Ontario to Montréal is 6d per bushel, making the first cost of a bushel of wheat, delivered at Montréal, 4s 10d cy., or in round numbers, 4s stg. 4s per bushel is 32s per quarter, and I shall now proceed to compare that Canadian standard with the price in the European markets,[62] ((and)) shew that Europe could not compete with them at such a rate,[63] after the best information that we have on the subject[64], the reports furnished to Lord Palmerston by the British consuls in Europe.[65] In the year 1840 the British Government took great pains to ascertain the average prices in the European ports; in order to do so they wrote to the consuls in all the ports from which wheat is usually shipped, and they found from the returns furnished by those officials that the average was 40s 6d per quarter[66] or 6s 3d per bushel, and thot (sic) the average freight per quarter was 4s 10d.[67] The highest price was 54s, and the lowest 26s 6d. This statement shows an advantage on the side of the Canadian of no less than 8s per quarter in the prime cost of the article, but in sea freight the probability is that the European merchant will, for the present, have the superiority. At the rate which I believe may be assumed to be, for past years, an average charge for freight for a barrel of flour, say from 4s to 5s[68] - the freight on a quarter of wheat would be 7s to 8s from Montréal to an English port. The public prints, however, lead us to expect lower rates than that for the coming year; therefore, taking all the difference in the cost of freight into account, there will still be a considerable difference in favour of Canada. If I may be allowed to revert once more to the Erie and St. Lawrence navigations, I will draw attention to the distinction which exists between the calculations of the cost by the two routes which I have previously read. The calculation for the Erie Canal goes no farther than the freight to Albany, while that for the St. Lawrence comes down to the shipping port of Montreal.[69] Admitting that freight was more expensive from Montreal than N. York, they could not, from that circumstance, draw a distinction between the waters of the St. Lawrence and the Erie Canal: for Albany was not the terminus for wheat, which, if it were for exportation, must be forwarded to New York, or some other sea port; therefore

Albany was on an equal footing with Montreal in that respect.[70] The additional cost of transit from Albany to New York, ... would pay the freight from Montreal to Quebec, where freights are usually cheaper than at the higher port. To return to the European freight[71], he ((Mr. C.)) would go into further details relative to European ports, for the average might appear high. The prices ranged from 26s to 56, per quarter. He need not remark how inferior the lowest price of wheat would be. The freight from[72] the Baltic ports was from 2s to 5s[73] as exhibited in the consular returns to which I am referring; from the Mediterranean it was from 8s 3d to 10s, that is, from the Sicilian ports, and the port of Odessa in the Black Sea. Now, to show how difficult it is for the European growers to compete with the Canadian, I will mention that, in some parts of Poland, wheat can only be raised one in nine years, while in Canada there are farmers, though perhaps they do not adopt the best system of agriculture, who take crop wheat off the same ground for several consecutive seasons.[74]

MR. COLVILLE. - Eight years.[75]

MR. INSP. GEN. CAYLEY. - Well, that must be upon the virgin soil, but I believe that an ample allowance will be made if I say[76] that the general average crop was[77] from three to five years, so that very little fear of competion (sic) with those countries need exist. Then, with regard to inland navigation in Europe, the same inferiority appears when compared with our own. If we go to the South of the Vistula, where the finer qualities of wheat are grown, we shall find that the inland freight exceeds ours, in an enormous degree. From Warsaw to Dantzig (sic), for instance, the freight was no less than 7s to 9s 6d, whereas we have already seen that our own is no more than 4s per qr. Hamburgh, surrounded by the cheap but inferior wheats of Denmark[78], Austria,[79] and Hanover, is also the port at which Bohemian or Prague wheat is shipped. I presume it comes down the Elbe, and the cost of freight is as much as 17s 6d per quarter[80], owing to the long inland difficult navigation of the Elbe[81]. A great deal too is brought down[82], exposed to the changes of the weather[83], in open boats, which are of the lightest construction, in order to meet the disadvantage of the shallow water of that river. In the passage, the grain not unfrequently becomes wet[84] from the rainy weather[85], and sprouts, and great loss is, of course, the result.[86] But he would turn to other exporting ports, of which Dantzic (sic) was perhaps the best - although Hamburgh might be so named as to quantity.[87] The Baltic freights to which I allude are those which prevail at Memel, Dantzig (sic), Rostock, and Konigsberg.[88] Odessa also stands high; and the average value of grain there was about 40s. As he had shewn that 32s was a remunerating price in Canada, they had nothing to fear, moreover, if a larger supply were needed in these ports, they could not increase it from the interior, owing to the expenses of inland navigation. These lakes were to them of the greatest advantage if they would only carry out a consistent policy; ahd (sic) by doing so he had endeavored to shew that they had nothing to fear from the European market.[89] The position I have taken,

as to our superiority over European corn growers, will be strengthened by the consideration that those nations have little new land to bring under cultivation. Under these circumstances, it will appear, that having nothing to fear from Europe, our competition must, for the future, be with America, - it is with her the battle is to be fought, and we have three years allowed us to make ready for the struggle. In the meantime, let us prepare for it - let us reduce our shipping freight by increasing our average stocks at the shipping ports,[90] and ... increase the slides[91], so that we may offer inducements to the ship-owner to make his charge lower and more regular, and we shall then, undoubtedly, secure the export trade for the whole products of those vast countries, in which our mighty waters have their sources. My first resolution then is, that, in the opinion of this Committee, it is expedient to repeal so much of the Act of 6 Vic., cap. 31, as relates to the duties on wheat.[92]

MR. MOFFATT asked from whence the return of the prices in Europe had been obtained.[93]

MR. INSP. GEN. CAYLEY explained it was the return furnished by the European Consuls to Lord Palmerston, and that he was also indebted[94] for ... information regarding European products to an admirable report drawn up by Mr. Jones, of Goderich, Commissioner to the Canada Co. I should also say, that the immediate diminution in our revenue from the alteration in duty, is likely to be considerable, but at the same time we may expect a large increase in the receipts on the Welland Canal[95], in consequence of the increase of trade in that channel, and it was to that he more particularly looked to replace the amount of duty on American wheat.[96] I expect nothing from the St. Lawrence Canal, because the works on that canal are not finished. The receipts on the Welland Canal last year fell off from £27,000 to £19000, showing the great fluctuation caused by the falling off in traffic, which I hope to repair by the present measure.[97] He would therefore move, That it was expedient to repeal so much of the act of 6 Vic. cap, 31 as relates to a duty of 3s upon the introduction into this Province of American wheat.[98] I wish to repeat, that I desire to take the duty off wheat merely for exportation[99]. He had no design to bring it into competition with Canadian grain, and did not include produce for consumption - not that he feared the result, but his only desire was to increase the export trade. He believed it was the interest of the agriculturist to establish a settled market for grain; and if they failed to do so, they would achieve nothing. It was therefore their duty to obtain a steady trade to ensure a certain demand, and the introduction of American wheat could never, in any way, affect the prices of Canadian grain.[100]

MR. MERRITT rose merely to correct a most extraordinary misapprehension which the Hon. Inspector General had fallen into in reference to two statements put forward by him (Mr. Merritt.) He (Mr. Merritt) wished it to be understood that he had not been guilty of the absurdity of stat-

ing one time that the St. Lawrence route was cheaper than that of Lake Erie, and of asserting in another publication that it was dearer. The last document which he (Mr. Merritt) published, and which had been referred to by the hon. Inspector General, went to shew the[101] great excess of prices which was paid to the Canadian forwarder as compared with the American. That was his reason for excluding the tolls from his calculation; while the second statement[102], his calculation to Lord Stanley[103], was to shew the greater cheapness of the traffic by the St. Lawrence route, if that route were properly managed, as he proposed to do, by tug-boats provided by the Government.[104] The last document had been intended solely to make known the enormous charges of the forwarders, and to urge upon the Government the necessity of completing the St. Lawrence with a view of reducing those charges as quickly as possible. At present the forwarding cost was a great tax on Upper Canada, and forwarders, although they charged 3s per barrel, paid no toll.[105] He contended that without tug-boats nothing could ever be done with advantage on the Canadian Canals.[106]

MR. MOFFATT said that he thought it was unnecessary to go into any apparent discrepancies between the statements[107] made by the Inspector General and the[108] hon. member for Lincoln, since those statements did not appear to have any material bearing upon the question before the Chair.[109] In his (Mr. M's.) opinion[110], whether the cost of inland navigation and ocean freight were, or were not, higher here than in the United States, that question ought to have no influence on the decision of the House. The intention of the measure was not to interfere with the productions of the Canadian agriculturist, and it was on that account that he thought that the advantage or disadvantage which they might be supposed to derive from it, might also be fairly left out of consideration. He was ready to support the motion, but he had hoped to see the hon. Inspector General go farther than he had done, and permit the importation of wheat to be manufactured, in bond, for exportation.[111]

MR. INSP. GEN. CAYLEY said that he intended to do so, and would read the resolution which was to follow the one he had already proposed. It was, "that it is the opinion of this House that it is expedient to impose a duty of 3s per qr. upon wheat introduced it this Province, except when bonded for exportation, or to be ground in bond."[112]

M. ERMATINGER pensait qu'il ne serait pas sage d'en venir à un vote sur cette question. Elle était de la plus sérieuse importance pour le Canada-Ouest; et nuirait assurément au District qu'il représentait. Affirmer par une résolution qu'il était nécessaire de rappeler le droit de 3s., était une affaire sur laquelle on ne devait pas passer légèrement.[113] Si ce droit est aboli, les fermiers s'en ressentiront tous et même si le commerce de l'ouest, était attiré par ce moyen ce ne serait que promouvoir les intérêts du Bas de la Province; il faudrait préparer les fermiers à cette mesure, et ne pas la leur imposer si subitement.[114] ((He also)) made a few remarks upon the motion, under the idea that the proposed repeal of the duty applied to corn introduced for the purpose

of Canadian consumption.[115]

((He was)) set right on that point[116].

MR. ERMATINGER proceeded to remark upon the rate which the hon. Inspector General had assumed as the average freight from the ports on L. Ontario to Montreal.[117] Il pensait que les taux du fret avaient été estimés trop bas[118]. He had never heard of any such freight as 6d from Lake Ontario. He had heard of 6d from Kingston.[119]

Cries of where is that? and laughter.[120]

MR. ERMATINGER - Hon. members call "question, question," but this was one of great importance to Upper Canada, and we ought to understand it well before "question" was called, it is a matter too highly interesting to the farmers and commercial men of Upper Canada to be passed over lightly. He considered that for the present we could not expect to have a cheap freight in our internal communications[121]. If the commercial transactions of the country were increased by this Bill, it would add enormously to the monopoly of the forwarders, who had shown, by the advertisements which they had recently put forth, that they expected to be overloaded with freight.[122] They have issued a circular stating that they will charge storage up to the 19th of May[123]. If that were the case, the farmers who had been holding back their corn for better times,[124] ((would continue)) to hold back, ... although the prices may now be good, before they can get their Wheat into market they may have fallen,[125] ((and they)) would find their profits eaten up by the increased rates of freight (hear), the whole prices would be eaten up in freights and forwarders' charges.[126] He considered that the country must have time to prepare for the change.[127]

MR. HALL said, that before the hon. member for Middlesex undertook to teach others, it would be well if he would apply himself to learn some of the doctrines about which he spoke. The hon. gentleman had attempted to show that if Montreal became a large market for wheat, the cost of forwarding and freight would be very much higher than at present. But perhaps[128], if we made a steady and never failing market here,[129] there were ships enough in England to come for all the corn we could export, and perhaps there were merchants enough to send them. The fact was that the Canadas raised more wheat than they consumed, and therefore the price was regulated by the rates of that market to which the surplus was sent. The price depended entirely on the European markets, and it would not make the slightest difference to the Canadian farmer whether Canada imported or not.[130] Si la quantité de grain à exporter était augmentée, il ne comprenait pas que les fermiers pussent en souffrir.[131]

MR. ROBLIN - supposed that any remarks that might be made by an individual holding the opinions and views that he held[132] would be treated very lightly[133], ((and)) would not have much effect upon the House.[134] But upon a question which affected the interests of the country to so great an extent, he thought he should not be doing his duty, if he did

not state his reasons for the vote he gave. First, however, he had some fault to find with[135] the Inspector General for not having all the resolutions with respect to the Customs, printed eight or ten days before going into Committee upon them,[136] ((and)) for having brought this question before the House without giving proper time for its consideration. When the honourable gentleman who occupied the post of Inspector General last year had brought forward his financial measures, he had condescended to have them printed, and placed in the hands of Members, but the honourable Member for Huron had come down that night and had moved one solitary resolution, without anything to show what was to follow,[137] and what other changes it is intended to make in the Custom duties. We are therefore debating in the dark; the resolution is a sweeping one and repeals the law imposing a duty on Wheat unconditionally, and perhaps when this[138] first resolution ((was)) carried, he might turn round and say that that was all he wanted - that he did not care about the rest.[139]

MR. INSP. GEN. CAYLEY - The intentions of the Government with respect to the changes they intend to make in Custom duties, were made known to the House and the country, in the speech which he delivered two weeks ago, and which had been published in all the papers.[140]

MR. ROBLIN - enquired of the Inspector General if he was going to take off the duty on Flour?[141]

MR. INSP. GEN. CAYLEY. - No! I have stated what my intentions are long enough ago, and all the propositions which I made appeared, at the time, in every newspaper in the city.[142]

MR. ROBLIN desired to ask another question: it was, whether the wheat which was to come into the Province would go to England as Canadian flour, and, consequently, free?[143]

MR. SOL. GEN. SHERWOOD - That will depend on British legislation.[144]

MR. ROBLIN - The Inspector General does not deign to answer his question.[145]

MR. INSP. GEN. CAYLEY said that the Provincial Parliament had no authority in that matter.[146]

MR. ROBLIN continued. - The honourable gentleman had[147] endeavoured to shew us by fine figures that it would remunerate the farmers if they obtained 4s. 4d. per bushel for their Wheat; and that Wheat could be brought from Lake Ontario[148], to Montreal[149], for six pence per bushel[150]. He (Mr. Roblin), however, would ask any man in the House, who knew anything of the matter, whether it was not true that for several years it had cost at least ls 4d per barrel to convey flour from Kingston[151], from the Bay of Quinte, or any port on Lake Ontario to Montreal.[152] Let the honourable Inspector General do what he liked to reduce forwarding rates[153], the merchants and forwarders have always fleeced the farmers. He (Mr. R.) hoped to see the day when the farmers of Upper Canada would obtain 4s. 4d. per bushel for their Wheat, but he feared that it will be sometime before they get this amount, as the forwarders and merchants

will take very good care to have a large slice of the profit. We are now asked to repeal a statute, that was passed in consequence of receiving a despatch on this subject from the Home Government two or three years ago, and after which it was expressly stated that if we laid a duty of three shillings a quarter on Foreign Wheat coming into our market, that the British Government would receive our's (sic) at a low or nominal duty. We had passed an address the other day, request-((i))ng an additional boon in the English market, ((a))nd we should wait to see what effect the address will have and what are the intentions of the British ministry. We are called upon not to follow the example of the British Parliament, but to go forward in advance of them, to say, we are the men for free trade, at least as respects agricultural products - we will set an example to the whole world of unfettered commerce. The Inspector General has asked us to make important changes with respect to the duty on American Wheat, and he does not know how it will go into England. What benefit will it be to the people of Canada, especially the farmers, if American Wheat goes into England as a Foreign article, and only passes through our waters? It would be better to take off the duty altogether and enable the farmer to use the American Wheat, and send the Canadian Wheat to the English market; thereby he would save two shillings a barrel[154]. If that were done, the farmer would have the opportunity of eating the cheap wheat from the States, and sending his own Canadian wheat home, where it would go in at the low duty.[155] He (Mr. R.) wished to wait to see how the matter is settled in England; it is sufficient to follow in the wake of old England. There is a certain specific amount embarked in commercial enterprises in Canada; and if the field of speculation was enlarged, the merchants would send their agents to Michigan and Ohio to buy their Wheat, instead of purchasing Canadian Wheat. The forwarders know that we can only send our flour by the St. Lawrence, and if this measure was carried, they would therefore keep our flour in their stores for a long time, and use their utmost exertions to bring American Wheat through by this route, and thereby the Americans would always get the first choice in the market. He (Mr. R.) had seen thousands of barrels of Canadian flour and pork lying on the wharves in Kingston, in the months of June and July, and the Forwarders all engaged in transporting American produce, and great quantities of both flour and pork were spoiled by being exposed to the heat of the sun. If you are determined not to allow the farmer any protection, remove the duty from those articles which he consumes and without which he cannot support his family; but this does not suit the views of hon. gentlemen, the motto is take care of the merchant the forwarder and indeed every class but the farmer, and let him take care of himself.[156]

MR. ROBINSON said that the hon. member for Prince Edward had taken a popular view of this subject, and his speech would no doubt be very appropriate on the eve of an election.[157] Mr. Robinson knew that in voting for this motion he was doing an unpopular thing, and one which, perhaps, he might have some little fear about doing if he were on the

eve of a general election, (hear, hear.) He was one of those people, however, who would legislate for the interests of his constituents - not for their prejudices; and though the people whom he represented would be as much affected by this law as any other constituency could be - though there were many of them farmers, like those of the Hon. Member for Prince Edward,[158] he had no hesitation in saying that the duty ought to be taken off, and he did not fear to meet his constituents on the subject.[159] He should do what he conceived to be his duty, and should trust to be able to convince his friends hereafter that he had done them no injury. He had always said that the 3s duty made no difference whatever to the Canadian farmer, and he said so for this simple reason, that the price in the United States was almost always higher than in Canada. There could be no fear that the Americans would bring wheat to sell in Canada when they could get a higher price for it in their own ports.[160] A friend of his in the Upper Canada Parliament used to say that facts speak louder than words; the hon. member for Prince Edward might know to whom he alluded, and he would therefore produce a statement of prices to prove[161] the inutility of the 3s duty[162]. When no duty had been imposed, the prices at Rochester and New York had been higher than at Canada.[163] He would refer the House to a table with which he had been furnished by one of the largest buyers in Upper Canada. The table stated the average prices of wheat from 1838 to 1845. The price in 1838 was 6s 2d, in 1839 it was 5s 8½d, in 1840 it was 3s 9d, in 1841 4s 2d, and in 1842 5s 1d. During those years, when there was no duty, the price averaged within a fraction of 5s, as it was therefore to be expected that the duty, if it was capable of doing any good at all, would have made the price higher[164]. But he would cite the difference during the three following years after the duty was fixed[165]. In 1843 the average was 3s 6½d, in 1844, 4s 1½d, in 1845, 4s 9½d.[166] He had not got any return for 1846, but, at any rate, during that year, there would have been no temptation to bring in American wheat from the United States since the prices had been higher on that side ((of)) the lakes than on the Canadian side. He could speak of that from his own knowledge, - at least he knew that when he was in Rochester the price was six cents more than he could have afforded to pay. These statements made it very clear that the duty had not afforded the farmer that protection for the past, which he was taught to expect for the future. An incidental advantage, too, would arise from this reduction of duty in the increased facilities which would be obtained in engaging ocean freight, for it was a well understood fact, that the larger a shipping port could be made, the lower would be the freight. He did not think that the Province would immediately derive all the advantages from the change which might be eventually expected from it. It would be some time before the internal communications of the Province would be completed, and it would even then, he feared, be a long time before a barrel of flour would be brought for 6d from Kingston to Montreal - he feared that would not be done, until his honourable friend opposite had got his tug boats, or until some other similar provision had been made. In the meantime, however, he should believe his opin-

ions to be correct until the data on which he founded them, were proved to be untrue, and, notwithstanding he might be told - as no doubt, he would to told - that he was an enemy to the farmer, he was one of those who had always voted in favour of canals[167] for the improvement of the St Lawrence, and was now desirous of seeing tug boats established either by private enterprise or by Government[168]. When the extravagance of the expenditure upon them had been complained of, he had always said, and he said it still, that he was ready to stake his reputation as a politician upon their success. When they were finished, he should be ready to admit he had been wrong if it were not found that the price of wheat was raised in consequence of the low price at which it could be brought to market through those channels.[169]

MR. INSP. GEN. CAYLEY said, that in answer to the question put by the Hon. Member for Prince Edward, as to whether wheat brought into the Province would be admitted free in England? he could not do better than read an extract from Mr. Gladstone's Despatch, already laid upon the table of the House. He then read: "I trust that Canada may largely avail herself of the advantages which are thus (for I venture to anticipate the favourable judgment of Parliament upon these propositions about to be submitted to it, on the part of the Crown) about to be placed within her reach. The desire of Her Majesty's Government is, that the trade in Canada may, in all respects, approach as nearly to perfect freedom, as the dispositions of its inhabitants, and the exigencies of the Public Revenue there, may permit. And, in evidence of that desire, I may advert to my Despatch No. 19, of the 3rd of February, relating to the Provincial duty on the importation of wheat, and may again apprize you, that it is not the intention of Her Majesty's Government to check any disposition which Canada may manifest, should such be the case, for the repeal of that duty by the interposition of the Prerogative.[170]

MR. MOFFATT was surprised to find the hon. member for Prince Edward making use of the very same arguments against the repeal of this duty as had been employed[171] by him (Mr. Moffatt) in 1843 against the imposition of the duty.[172] In that year it had been said, on this very measure, that it was the proper policy of the Canadians to bring in the cheap wheat of the United States, and to export their own higher priced article to England.[173] He was astonished to hear such an argument brought forward.[174] Yet, after all, what did that argument amount to? Simply to this, that no more wheat should be shipped from Canada than Canada produced - as if England wanted no more. He would reply to the man who advanced that argument,[175] take off the duty, and let the House assent to the measure,[176] by all means ship as much as you have over your own consumption; but, while you do so, do not prevent others from shipping more[177] through ... ((your)) waters.[178] What was the object of the measure before the House? Nothing more than to give an opportunity to those who can ship American produce, to do so without duty upon its transit through the public works of Canada. There was no question that, so long as the Colonies obtained a prefer-

ence, in the shape of differential duties in the Mother Country, so long American wheat, even going through Canada, would be received as foreign. If it were manufactured, however, it would be received as Canadian flour, and it was this that would furnish the inducement to speculators to introduce American wheat for the purpose of grinding; and he could assure the House that all that could be produced in Canada, and even all that could be passed through it, would not be too much for the supply of the English market.[179] The English market was not solely supplied by Canada, and there was no fear of overstocking it.[180] The hon. gentleman from Prince Edward had found fault with the Hon. Inspector General for his estimate of 6d as the price of freight from Kingston to Montreal, but the hon. member must remember that the 1s 4d which he mentioned as the cost of freight included several other charges, and when the Hon. Inspector General mentioned this to draw a contrast with the cost for the same thing in other countries, he would have shown a very unfair statement had he added the costs of warehousing, &c., to that of freight. Perhaps 6d was too low an estimate for the freight from Kingston to Montreal; but his hon. friend from Prince Edward must not suppose that the charges to which he (Mr. Moffatt) had adverted were peculiar to Canada, or that they were not equally necessary in Europe. He feared that his hon. friend, the Inspector General, had shown too favorable a calculation in other respects - he was afraid that the hon. gentleman had taken too high a figure as the average cost of wheat in European shipping ports[181], than he was perhaps authorised to do.[182] At least he had rarely known them so high as 40s, but of course that would depend upon circumstances, such as whether the return was for one year or for a series of years. All that, however, he repeated had nothing do to with the question before the Chair. If foreign wheat could be carried through the country and shipped to England, by all means let it be done[183]. The system would only lead to good[184], and the House might depend upon it that it would not be done unless American wheat could enter into successful competition with European.[185] That was the business of the merchant. It could do no injury to the farmer.[186]

MR. WILLIAMS thought that, under Sir R. Peel's tariff, the inducement which had hitherto existed to send[187] American wheat ... for exportation[188] by the Canadian route would be almost entirely done away with. It was only to evade the foreign duty imposed under the old law that bread stuffs had gone that way at all. The average foreign duty, under the sliding scale, had been about 16s; while the wheat admitted here at 3s, ground into flour and shipped at a farther duty of 1s per barrel, thus got through at a duty, on the whole, of 4s, and saved 12s foreign duty. Under the proposed tariff, he asked where that saving was to be found? If there was no saving, then he asked what was the motive for sending by the St. Lawrence route? There would be none - it would be totally destroyed. If there had been no considerable quantity sent through that route before, it was absurd to expect that it would be when the temptation was removed. Still, though he felt sure that the products of the Western country would be shipped at the Atlantic ports of the United States, in preference to Montreal or Quebec, he

was not disposed to prevent the experiment proposed by the Hon. Inspector General from being tried; he would not vote against the motion, but if he voted for it, it was only because he believed that it could do the farmer no harm[189] because no considerable amount of wheat will in future pass through Canada.[190] Of course the hon. member for Prince Edward must be aware that flour, the produce of the United States, went into England as of Canadian manufacture, under the Imperial Act for the encouragement of British shipping, and that that part of the subject belonged entirely to the Imperial Legislature: he must say that, in the absence of any knowledge as to the manner in which it had been treated in that Legislature, he was disposed to think that the present motion was somewhat premature. Before he sat down, he could not refrain from expressing his fear that the new British tariff would prove highly injurious to Upper Canada, as well in a political as a commercial point of view. It was evident that it would lead to evil: for his own part, he apprehend((ed)) the most fatal consequences, which he thought he saw only to distinctly in the future.[191] But ((he)) hoped he might be mistaken.[192]

MR. SOL. GEN. SHERWOOD. - It is useless now to discuss whether you must go forward or not[193]. All we know as to the course which will be taken by the British Legislature, as to a new commercial arrangement, is, that a proposition had been made for an alteration in the scale of duties[194] which if they are carried into effect, as they undoubtedly will be,[195] will seriously affect the trade of the inhabitants of this Province. We know too, that a proposition is now before the Congress of the United States - in fact, that they have passed a law which holds out every possible inducement to Canada, to carry its trade through their Territory. We know ((t))hat last year, they passed a law which was but the prelude to the one of the present Session, by which British manufactures can be brought through from New York to Canada, upon the mere payment of Colonial duties, and that the new Bill to which I have already alluded, grants a free passage through the United States, to the whole of our produce, upon the same principle as that on which the manufactures of Great Britain came to us.[196] When we thus see Sir Robert Peel and the United States adopting[197] such plans as these on each side of the Atlantic - when we see that their object is the entire change of our commercial system, does it not become us, I ask, to endeavour to devise means - not to postpone nor to arrest this change - but to meet the evils which we fear it may bring upon us? I do not intend, nor would I presume, to enter into a discussion as to the cost of the production of grain, or the expense of its carriage to the port of shipment in the United States or here; these are matters which belong more to the Chancellor of the Exchequer than to me, but I go upon the broad principles involved in the motion, and I say, ought we not to take some steps to secure to ourselves the carriage, through our public works, of the produce of the vast regions in the Western part of this Continent[198], and thereby assist in paying the large amount that our public works have cost?[199] My honourable friend behind me, says

that it will go. Well, I may perhaps be in doubt on that point, though I incline to the opinion of my hon. friend, the Chancellor of the Exchequer; but whether or not, I still return to the question, whether[200], even supposing we are in doubt, as to the course that we ought to pursue, in the present emergency,[201] we are to remain quiet and do nothing - whether we are to adopt no measure to meet the dangers which threaten us? Whether, in short, we are to wait till we hear from England - to wait for next season, and to allow 1846 to pass over, and our public works to remain without traffic, while we make no exertion, and use no activity? No, that is not justifiable, we are bound to take some step to save ourselves, and let that be the most judicious that we can mature, for the purpose of averting the impending danger. What is it that is proposed? It is proposed to secure to ourselves the carriage of American wheat and flour, from the West to the place of shipment[202] ((in)) England[203], and further to encourage the introduction of American wheat into the Province for the purpose of being ground by our millers. Now, if we can accomplish this two-fold object, we shall, I think, do no injury to the farmer; and though I represent a city, I cannot conceal from myself the importance of protecting the agricultural interests of the country, nor would I[204] give ... ((my)) consent to any measure[205] which I thought likely to subvert them. I believe, Sir, on the contrary, that we shall assist the agriculturist - that the commercial and agricultural interests are so closely connected, that whatever furthers the one must further the other; and I repeat, that if we can secure the two-fold object of which I have spoken, we shall give full employment to our shipowners, to our forwarders, to our millers, and to our manufacturers, and we shall benefit the entire community by putting into the country, just so much money as we shall add value to the grain that goes through our hands. The question with me is, will this measure injure the agriculturist? and I answer it by saying, that if I am right in believing that wheat,[206] for the last three or four years[207], has been higher in the American ports than in our own - that then the farmer need apprehend no danger from the change. If wheat is higher in the United States than in Canada, it will never be imported here from thence. If the price of wheat in the United States were 2s 6d, and in Canada 3s 9d, I should even then, say, that you ought to pass this measure; for a buyer in Europe would not be ignorant of this difference of price - he would not come to Canada for his wheat, but he would purchase it in the United States, and its effect in the European markets would be to lower the prices of Canadian produce, without doing good to any Canadian interest. That, however, is not the case; the price in America is higher than it is here, and, as a consequence, our farmers are safe from American competition: it will rather go from us to them than come from them to us. I know the imposition of the duty on wheat has been considered all along a very proper[208], popular[209], and valuable measure; but if no duty had been imposed, our prices, I believe, would have been at least as high as they have been; and I believe that, Sir, because of the evidence that I see of the fact, that prices were higher before than they have been since its imposition. With these opinions I am prepared to

vote for a trial of this experiment, and I believe that the experiment will be successful. I believe, from all the information that I have been able to gain from gentlemen who possess a knowledge on these subjects - and I have not been slothful - that we shall be able to make arrangements which will inevitably draw the produce of the West through our waters to the place of shipment, instead of through those of the United States. I support the measure, Sir, for the same reason that I opposed the bill introduced last night by the honourable Member for Essex; for while I hear persons deprecating the recent English measures, and lamenting the effect of the American measure, I am astounded that any one should propose to adopt a policy which will not only not encourage traffic through the Province, but which will induce it to diverge from our line, and go off through the United States. I, Sir, would allow no facility to go from us, but would do everything in my power to make foreigners come here themselves, and send their produce to our market by our own routes.[210] If American wheat were allowed to be bonded, an immense amount will go through our waters to England and thus we will secure a large part of the carrying trade of the Great West[211]. I will give no encouragement to divert trade from us; but if, after all, it is diverted - and I believe that, like water, it will always seek its natural channels - I shall, at least, have the satisfaction of knowing that I did nothing to produce so unfortunate a result.[212] Under this impression he would vote for the motion.[213]

MR. SEYMOUR said that the reasoning of the hon. Inspector General was all very well upon paper, but would be likely to turn out very differently in its practical result. The result would be this, that the[214] Millers, who were the principal wheat buyers, would supply themselves from the United States, instead of purchasing from the Upper Canada farmer or merchant[215], and the farmer would be unable to sell his wheat in Montreal on account of the state of the carrying trade.[216] An increased quantity being introduced before the Public Works were completed, would cause the Forwarders to increase the rate of freight on a ... ((barrel)) of Flour from Kingston to Montreal from the present high rate of two shillings to the enormous rate of three shillings per barrel, which had been charged on a former occasion, which increase would come out of the pocket of the farmer. Again the rate of freight charged upon flour from Montreal across the Atlantic would in all probability be increased from three shillings sterling, which is considered a paying price, to perhaps six shillings or seven shillings sterling, which increase must also come out of the pocket of the Upper Canada farmer or merchant.[217] Then again, the hon. Inspector General had showed that 4s. 4d.[218] would be a good price for the farmer[219] on the shores of Lake Ontario[220]. But he (Mr. Seymour) would put it to the House, whether any farmer on Lake Ontario ever received more than 4s? If that were so, how could the Inspector General say that they got 4s. 4d.[221]? If the Government would guarantee those prices he (Mr S.) would support the measure, but the fact was, that nowithstanding (sic) that there had been deficient crops in Europe, the average price for the last four years in Upper Canada, had not been

more than four shillings per bushel.[222] He did not mean to say but some measure of this kind may be necessary after the completion of the Public Works; but at present he thought[223] the honorable member was premature in introducing ... ((it)) before ... ((then)). If he had waited till then, he (Mr. Seymour) would perhaps have supported him, - but in the present condition of those works, he certainly should vote against this measure.[224]

MR. BALDWIN took it for granted from what he had observed in the House, that the motion before the chair would be passed; but he desired to say a few words upon the turn which some persons seemed disposed to give to the debate.[225] He regretted to hear the subject of debate treated in a manner calculated to create an impression that the agricultural and commercial interests of the country were in some measures rivals to be advanced or depressed at each others expense[226], as if it were possible that one should be opposed to the other, or one favoured more than the other[227]. For his part he had always viewed them and should continue to do so as mutually dependent upon one another. This he believed to be the case generally with all the great interests of every country (hear, hear) and he did not believe Canada to form any exception to the rule.[228] The measure adopted by the House ought to be for the benefit of all. At the same time, he must say that he was not prepared to vote for the resolution[229] of the Hon. the Inspector General on the present occasion[230]. It was very probable that the doctrines of free trade were correct, and that the country might be driven ultimately to adopt them - there was no doubt, in fact, that free trade, in the abstract, might be maintained on sound principles of commerce[231] generally but he for his part could not see that the adoption of them by the mother country was any cause of particuarl (sic) satisfaction to us.[232] As far as Canada was concerned, it must be remembered that protection had been hitherto part of the Colonial system, and that, therefore, she, at least, had no reason to rejoice in the triumph which free trade principles were obtaining in England. On the contrary, so long as protection was continued,[233] however it worked for others ((it)) was undoubtedly productive of advantage to ourselves.[234] The Colonists were the gainers, but as it was about to be removed, it was right that the matter should be fairly met, so as to make the change fall on the Colony as lightly as possible and ... ((to minimize the injurious effects on the colony that)) its first introduction was calculated to inflict.[235] It was true that being in itself an artificial system we could not look forward to it as likely to be lasting. And now that the change had come by the action of a power over which we had no controul it becomes us to look our altered circumstances manfully in the face and avail ourselves of the interval that was yet to elapse before this change in all its consequences was to be visited upon us in endeavouring as far as possible to countervail the evil effects that were likely to arise to us out of it. But we are bound to do this with caution, and ... in a manner calculated to satisfy as far as possible those whose interests may be affected by what we are about to do, or who at all events will themselves believe that their interests have been

materially affected by the measure. It might be, as the hon. Inspector General had said, that the change now proposed would not affect the farming interests of the country as that interest itself apprehended. It might be that from the state of the markets in the United States, or other circumstances, the duty on wheat and flour altogether had not, during the time it had existed, been productive of the advantage to our farmers that they had themselves anticipated from it or supposed that it produced. All this might be perfectly true, and yet it might not be wise, and in his opinion was not wise, to interfere with that duty in the manner now proposed. Such a proposition ought at least to be accompanied by other measures which would show the farmers of the country that their interests had not been lost sight of, and convince them that they had not been sacrificed to any other interests. (Hear.) He would remind hon. gentlemen that upon the grounds now advocated, the adoption of this proposition could not have produced any more injury to the farmers if it had taken place last year, than if it had be (sic) adopted this. And yet, he well recollected that all those who have generally taken upon themselves in this House to keep a special eye to the agricultural interest, such for instance as the hon. member for Durham and others, had during the last session been loud in deprecating[236] the proposition of the hon. member for Simcoe, to admit wheat free to be manufactured into flour. That proposition was opposed because it was considered the first step towards[237] the total repeal of the duty[238], ((and)) the introduction of a change in a law which was held to be of so much importance to the farmers of the country.[239] Now, however, he found the hon. gentlemen to whom he alluded, and particularly the hon. member for Durham, speaking in a very altered tone, and in fact if he did not misuuderstand (sic) them, giving a sort of tacit assent to the measure. He therefore, took it for granted that the resolution of the honourable the Inspector General, for taking off the duty, now before the Committee would be adopted. (Hear, hear.) He did not therefore, desire to trespass unecessarily (sic) on the time of the Committee. All he wished, was to prevent its being supposed that he had acquiesced in the measure. It might be, atht (sic) in the altered position of the country, it would be necessary to deal with the duty on Wheat with a view to its repeal. But the imposition of that duty had been long struggled for by the farmers of the country, and when obtained though not amounting to all that they had sought, it had upon the whole, been considered by them as a great boon[240]. That being the view which had been uniformly taken in the country ever since the existing law had prevailed,[241] and notwithstanding all the abstract reasoning of the hon. Iuspector (sic) General on the subject, he (Mr. Baldwin)[242] was not prepared to interfere with its provisions[243] ((and)) give his vote for the repeal without, at the same time, shewing the farmers of the country that something at least in the shape of an adequate equivalent, had been given them for the loss of what they deemed so great a good, either by the removal of duties on articles of their consumption or such other relief as would convince them that their interests had not been disregarded. In these views he was happy to find that all the agricultural members were not against him but that his hon. friend from Prince Ed-

ward (Mr. Roblin) concurred with him[244] unless it could be shown that the farmers were to have compensation for their loss it might be true, as the hon. member for Simcoe had said, that the act did not confer so much benefit on the farmer as the latter imagined, but that was no reason for altering the law at the present moment. If a general scheme by which the farmer was to be relieved were adopted, it might afterwards become necessary to modify this law or to take off the duty altogether, but in the absence of any manifestation of a design to give the farmer an equivalent[245] ((et)) comme on proposait un changement sans montrer aucunement les avantages qui en résulteraient, il était dans la nécessité de voter contre la résolution[246] of the hon. the Inspector General for taking off the duty on Wheat as proposed by her Majesty's Provincial Ministers.[247] Though he believed, as he had said before, his opposition would be of no avail,[248] il préférait laisser aux membres agriculteurs à exposer leurs vues.[249]

MR. PRES. EX. COUN. VIGER thought it by no means foreign to the present question, to enquire who were the consumers of agricultural produce? Was it not the inhabitants of the towns and the people engaged in trade and manufactures? Where would the consumers be if there were none of that class - what could be more injurious to the farmers (sic) than to diminish its numbers under an erroneous idea that he was protecting himself?[250] ((Il)) demanda à M. Baldwin quel dommage souffriraient les agriculteurs du rappel de ce droit.[251] To go a little farther he would ask how, without this class, and without the traffic which they carried on, the Province was to pay the expenses of the public service?[252] Il fallait payer la dette qui pesait sur la province - et pour cela avoir ces revenus - que les canaux nous fourniraient ce((s)) revenus.[253] How would it be possible to supply the place of the revenues produced by the public works, if the trade through those works were destroyed?[254] L'hon. membre aimerait-il mieux ... voir taxer les terres pour payer cette dette.[255] It was for these considerations that he would vote for the resolution now before the chair.[256]

MR. COLVILLE said that if he believed with the hon. gentleman for the Fourth Riding, that the duty now proposed to be repealed was an advantage to the farmer, he should hesitate long before he voted for the motion; but he believed it never had been a benefit hitherto, and that, in the altered circumstances of Canadian trade, it would be anything but a benefit hereafter. He held it to be an indisputable axiom, that it was for the advantage of the country to have ... ((the)) large carrying trade[257] of the Great West[258] passing down the St. Lawrence, and he supposed no one would deny, that if the 3s. duty remained upon the introduction of wheat intended for exportation, that trade would be lost. Whether taking the duty off would insure it, was another question; but by keeping the duty on, it would certainly cease.[259]

MR. ROBINSON - The sooner the farmers know what they may expect the better, for then they will prepare for it. He (Mr. R.) knew that the full benefit of this measure would not be derived from it, until our canals were completed; but still he thought it better that the duty

should be repealed now, so that all might be induced to make the requisite preparations.[260]

MR. AT. GEN. DRAPER - The importance of the question before the chair, renders it my duty to say a few words upon it, though in general I do not interfere in questions involving calculations[261]. He was by no means an adept at figures, in fact he never pretended that his head was a figure head. (Laughter).[262] I agree with the hon. member for the Fourth Riding that the present resolution ought not to be looked at as a party question, nor as a question which regards the interests of a class as distinguished from the interests of the country at large; I only find fault with his speech because he did not follow up those observations, by treating the question - not as it may or may not benefit the farmer, but as it may or may not benefit the entire community. I desire to show the necessity imposed upon us by the altered circumstances in which we are placed - for I entertain no more doubt of the passing of Sir Robt. Peel's measure, than of the fact that I am addressing this Committee - to enquire what will be the effect of the alteration, and to provide ((a)) cure for what is universally looked upon os (sic) an evil of the greatest consequence. The first evil expected from the change is that we shall cease to enjoy the certainty we now possess of a good market, where we can always obtain a remunerating price for our agricultural produce. The next is a consequence of the other, - it is expected the falling off in the revenues of the Province, owing to the fact that the diminished price obtained for our own commodities, will necessarily produce a diminution in our means of purchasing the goods which we take from other countries, and the reduction in the customs from which our funds arise. I take it that these two are the leading propositions to be considered, it would be easy to enter into more prolonged details, but I suppose that they must all be classed under one of these two heads. Now it must be admitted on all hands that this evil by which we are threatened from our markets ceasing to be protected by differential duties, is one entirely beyond our control; but it seems to be well worth while to enquire if the 3s. duty, which we now seek to repeal, was imposed for the protection of the British. Let hon. gentlemen look back to the circumstances under which this duty was first levied and they will be obliged to admit that it was for the protection of the latter; because[263] in fact it was made[264] the condition upon which Canadian produce was allowed to enter the English ports at a low rate of duty. If then the Imperial Government take off our protection at the end of three years, it is for us to ask ourselves why we should retain a law, formed to encourage Imperial and not Colonial interests. (Hear, hear.) Having established the fact that the duty was not imposed for our Colonial interests, we ought certainly to consider whether it does benefit them, in order that we may grapple at once with the anticipated changes.[265] The duty was never any benefit to Canada. Hon. members should then ask themselves what was the benefit of continuing the old system[266]. We cannot shut our eyes to the fact that it is the avowed policy of every politician, who is at all likely to attain to the direction of public affairs in England, to break down the existing commercial system.[267] No matter

who were in power in England, the people of this country would stand alone. (Hear, hear.) Protection had ceased to be a principle of Colonial policy, and we should consequently look a-head.[268] Is it not then right that we should do our best to learn to walk alone, since we know that our peculiar advantages will cease from the moment this policy begins to take effect. - The consequences of the movement are evident - they will affect not only our farming interests, but those of our trade and our revenues, and if the basis on which our trade and revenues are built is about to be removed, it is our bounden duty to our country and to our own characters, to look around for the means of giving it a new foundation and increased stability. We have three years notice; shall we stand by and look on while that comes which we cannot avert? We cannot avert the act; shall we not try to avert the consequences((s))?[269] We should see at once to the means of neutralizing them.[270] While it is clear that the prices of our commodities in Great Britain cannot be influenced by any legislation of our own, and while it is equally clear that the legislation of Great Britain points to a policy which will withdraw all protection from us, is it not right[271] ((of)) the Inspector General[272] to set before you those calculations, which show, that we have no reason to fear that we shall compete with other producers on unfavourable terms in the British market?[273] No argument had been used against what he ((the Inspector General)) had advocated.[274] Is it not an argument for the measure proposed, to show that notwithstanding all the advantages we shall lose, we may still, by its means, be able to compete with advantage, in the markets to which we have been accustomed to send our produce? That in fact we possess advantages over our communication, and foreign transport - in other words that the average price arising from the expense of raising the grain, of sending it to the port of shipment, and from there to the consuming country, comparing one producing country with another is greatly in our favour. That point being admitted, we should next direct our attention to our internal trade, and here I contend that statistics show us clearly, that the quantity of bread-stuffs imported to Great Britain from Canada is but a fractional part of the whole; and I argue from that, that we should seek to increase that quantity, not by admitting an increase of importation in the articles which come into competition with our own producers, but by inducing foreign commodities to come through our waters to be shipped for the British market. Great Britain tells us that in three years she will admit all corn on the same terms - that she will not take ours upon better conditions than she will accord to that of European and American growth: what we have to hope for, then, is that we may find means to get into the market in a manner not inferior to them. Is there any reason why we should not - is there any reason in the nature of her climate or the conditions of her soil, why Upper Canada with the Lakes[275], Ontario, Erie,[276] and the St. Lawrence for her high road, should not send her produce to market as cheaply, or even more cheaply than the United States? I, Sir, have always believed, with the hon. member for Lincoln, that the St. Lawrence is a cheaper route than any the Americans possess: the smaller quantity of lockage, and the fact that the lockage is always downwards from a higher

level, present an argument in favour of that view which appears to me absolutely irrefragable[277] ((and an argument)) furnished by nature.[278] If this be so, then I contend that we have the[279] cheapest[280] means of communication for conveying to the ocean all the produce of the immense basin of our inland sea - for the Welland Canal had made Lakes Erie and Ontario one vast basin[281], where all the products of the West intended for exportation would be collected; because they could be brought there at the cheapest rate.[282] The produce being once in that reservoir, the question is how it is to be got out again.[283] It was trade of this description which had made Oswego[284]. It must pass down by the Welland Canal and the St. Lawrence, to Montreal, or through the Oswego and Erie Canals to New York: now, which of these two routes is the shortest and cheapest? Unquestionably that by the St. Lawrence, and having got this advantage partly by nature, which gives us the facility of locking constantly downwards, partly by art, which has constructed our gigantic works - then, I say,[285] that it ... ((is)) a proper line of policy to throw every facility to bring this produce down ... ((our)) waters.[286] But hon. gentlemen object that we shall injure our farmers in their own markets, by bringing American produce into competition with theirs. If that opinion and the doctrine drawn from it, be sound, I say, Sir, that the whole Province will have to regret that it ever embarked in the making of these Canals. That argument should have been proposed and listened to in 1841, for the expense which we have gone to, and which we shall yet have to go to, is one for which our inland trade will never repay us. Sooner or later, the turn for changes in other trades must come. We must enlarge the sphere of our import trade, sir, as well as that of our export.[287] ((We)) would therefore be required to take off duties from exports as in England.[288] I see what is coming, and I tell the people of this Province that it is no use shutting their eyes to the fact - that if they cannot make our works pay for their cost, we had better declare ourselves bankrupt and repudiate at once. I ask you to look a little farther than the interest of the moment, - I ask you to look beyond the prejudices of this or that class, and to consider that the capitalist will not go to the United States to buy grain unless he have a motive for doing so. Notwithstanding the high character and the patriotism of the British merchant - and no man values that character more than I do, though I may now allude to it by way of pleasantry - notwithstanding the patriotism of the British merchant, he will always to go the cheapest market for the commodities which he requires, but if the wheat of the United States is usually higher than wheat is here, we can have nothing to fear from the Americans, in our market - nothing to dread for Canadian wheat in the markets of Great Britain. We shall always have the advantage of being nearer than our neighbours - there will always be a difference in the price of transit in our favour, and if this be an argument for our success now, how much more unanswerable does it become when we apply it to the future.[289] Canada should, therefore, endeavour to extend these advantages.[290] Sir, there is no want of capital in Great Britain to invest in any trade that justifies its investment.[291] There would be

always persons ready to embark in the trade.[292] There is no want of means or will, to purchase largely[293] of wheat[294] for the supply of the English market, so that the supply will very speedily equal the demand, and the trade will flow through our channels in a volume of which, at present, we can form no conception.[295] But if the trade were narrowed to what the colony would produce, and the canals kept closed, speculators would look in another direction. This should be the case, because while the imports into England was two and a half millions of quarters the colony only furnished 300,000. By proper Legislation this city, the capital of Canada, could be made the grand emporium for the produce of the Western country, but if the doors were kept closed it could not be so, the present flourishing revenue which furnished a surplus after paying the debt would be greatly reduced, and recourse should be had to that worst of all systems, direct taxation to meet the deficiency. As to the admission that freights would be more expensive because more goods would come down; he considered it an unanswerable argument in favor of the resolution, for the more carrying trade they had the more competition there would be and the greater would be the reduction of freights.[296] It is with this view that I shall support myself, and that I call upon the House to support, the resolution of the hon. Inspector General.[297] He (Mr. Draper) had dealt with the question without reference to figures and had submitted whnt (sic) he concived (sic) to be the main points which demanded attention.[298]

M. CAUCHON se leva pour répondre à l'honorable procureur général Draper.... ((Il)) observa qu'avant d'adopter une mesure de cette importance, il fallait du temps et de la réflexion.[299] Les ministres voulaient faire passer cette mesure avec trop de précipitation.[300]

M. AT. GEN. SMITH dit qu'il était prêt à donner le temps que l'on réclamait.[301] ((Il)) dit que le ministère ne voulait pas presser la mesure, et qu'on l'ajournerait s'il était nécessaire.[302]

M. CAUCHON répliqua qu'il était bien singulier que l'honorable procureur-général vint déclarer, à cette heure avancée de la soirée[303], qu'il était prêt à donner du temps, lorsqu'on avait déjà répondu plusieurs fois par le silence à ceux des membres qui, plusieurs heures auparavant, avaient demandé du temps;[304] qu'il n'était plus temps maintenant de différer la question; que le ministère ne consentait au délai que parce qu'il se sentait en minorité.[305] Il continua de parler pour prouver que nous ((citoyens des deux Canadas)) n'étions pas en position d'adopter une pareille mesure, avant de savoir si l'Angletrrre, fesant disparaître la protection pour nous d'un côté, de l'autre élargirait pour nous les voies du commerce en nous donnant le droit d'aller acheter sur les marchés étrangers et en admettant dans nos ports les vaisseaux de toutes les nations.[306]

MR. CHALMERS - There has been a great discussion on this subject, and much of it has been to little effect. Without doubt this is the natural channel and the cheapest, and if we were in a peaceable state with our neighbours he did not know but what he would support the mo-

tion. But under present circumstances, when we almost expect news of war every mail, it is time for us to be loading our guns, instead of offering encouragement to Americans to pass through our territory with their produce.[307] From his position as a Representative of an Agricultural constituency, he did not feel himself justified in voting at the present time for the resolution before the House.[308]

MR. G. MACDONELL (Dundas) said, when the Assessment Bill had been brought forward, he had considered it as an unjust interference with the privileges of the Districts of Upper Canada by the imposition of taxes which they alone had the right to levy; he thought the course taken by the Government on that occasion unaided by a single petition for the change, as an improper one, and as such he had opposed it. But at the same time he had stated that if the Government under pressing political circumstances at any time considered themselves bound to present to the House any measure in its operation directly disadvantageous to the people, but yet that would at length tend to alleviate their burdens, he would vote with them. In redemption of that pledge he was now prepared to go for the resoultion before the House. And although he represented an Agricultural constituency, and they might consider this measure as affecting their interests yet he could not shut his eyes to the fact that[309] the great investment made in our public works will be lost unless we attract attention towards them, in the manner proposed by the hon. Insp. Gen.[310] It was from these works that we expected to derive our future revenue and when he knew the many claims before the Administration for assistance in public improvements, he could not clog their action on this occasion, but by giving them his support now he hoped that he should contribute to enable Ministers to carry out that which they believed to be for the permanent good of the Province, and which should place in their power the means of granting the prayer of the many petitions now before them, and which they might expect to receive hereafter for[311] grants for further improvements,[312] in the means of internal communication.[313]

MR. GOWAN said that as the Representative of one of the largest Agricultural Counties in the Province, he felt bound to make a few observations on this subject[314], ((and)) hoped he would be excused ((for them)).[315] He was much pleased with the remarks of the member for Dundas, they did much credit to him.[316] He ((Mr. Gowan)) would not have troubled this House,[317] ((but)) the Speech of the member for Montmorenci[318], the leader of Her Majesty's opposition[319], had placed the question in its proper position[320]. He ((Mr. Cauchon)) had not discussed the question on its merits[321]. He had endeavoured to make it a party question; he had been the member who openly combatted it on party grounds[322], and as he had done so, he (Mr. G.) would see that this side of the House, that the ministry would not cower under the question.[323] And if he ((Mr. C.)) wished to make it a party question, he should have a party vote upon it,[324] within an hour; as for himself he intended to ask for a delay, but he would not now do so, since it might seem as if the ministry were afraid to come to a vote.[325] The

defeat he ((Mr. C.)) would now sustain would convince him that however gentlemen on this side of the House might differ upon a question of general expediency, yet if it was to be debated not on its merits, not upon its importance or interest to the country, but as a mere party thing, they could meet it unanimously. The member for Montmorenci had accused the Administration of attempting to force this resolution through the House, and when the Attorney General East had offered to grant delay if it was required, in what spirit had it been met? "No! No!" he cried "you count before you speak, you wish for delay, because you find your own party are against you, and you are going to be beaten." The hon. gentleman wanted a party vote, and a party vote he shall have. (Cheers.) But it would have been better if hon. members on the other side had received this question in a different manner; it would have been more becoming if in a matter affecting the general interests of the country so seriously they had met it with argument, and decided upon it with honest convictions of rectitude. (Cheers.) For his own part he had been undecided, and wavering between two propositions, one laid down by the Inspector General, and the other which he had been revolving in his own mind. The Inspector General was in favor of an immediate and total reduction of the duty on wheat; but he (Mr. Gowan,) had conceived that as the British ports would not be thrown open to the world for three years, and during that time the colonies were to enjoy a protective duty, a reduction of one half the present charge would hold out a sufficient inducement for American produce to pass through our waters. He had considered this the better course as likely to effect a great increase in the amount brought through Canada, and a consequent augmentation of the revenue, which, by the Government plan, would be taken away altogether. The object of the Inspector General was by inducing the transmission of American produce through our Canals to increase the revenue derived from those sources, and at the same time give a great increase to the commerce of the country; and perhaps the view of the means necessary to effect those objects taken by the Inspector General, was more enlarged and statesmanlike than his. Under the considerations which he had before expressed, he had been about to ask of the Administration to postpone the consideration of the resolution before the House until Monday, by which day it was probable that the House would be in possession of the news from England, and some action on the part of the Imperial Government might be found to have rendered legislation on the matter unnecessary. But seeing the construction which the opposition were prepared to put on such delay, he would not ask that concession, but would be prepared to vote at once[326] ((and)) to support the ministry.[327]

MR. CAUCHON. - "Allons donc."[328]

MR. GOWAN. - There appears to be something very witty in that expression of "Allons donc" with which the gentleman opposite, the leader of the opposition is so fond of interrupting members. What was the meaning of it - was it another word for cochon - for a little impudent pig? - (Order! order!)[329]

MR. CAUCHON said the remarks of the member for Leeds were very ungentlemanly.[330]

MR. McCONNELL said that when the discussion had commenced, and he heard so much about[331] the farmer and protection, and about wheat,[332] which was the staple of Upper Canada, he listened attentively expecting that the next thing he would hear would be concerning cattle.... He had felt a little alarmed when he heard it proposed to take the duty off wheat, and he thought he should be obliged to vote against it[333]. He ... considered that in Lower Canada, we required protection for our cattle, ... the staple commodity ... of the Eastern Townships, and he was therefore disposed to maintain the duty on American wheat[334], but when however he found that it was only to affect wheat passing through this Colony for exportation, and that it was not to enter into competition with or injure the Canadian farmer, he thought after all he should be able to vote for it.[335] The arguments of the Attorney General had a strong effect upon his mind, he had reminded us that we will not, without this measure, be able to pay the public debt contracted for the public works, and that we will be forced either to repudiate or lay direct taxes. To obviate this, he ... would vote for the motion.[336]

MR. DEWITT said the subject was of very great importance to the country, and if time was desired by any honorable member to make up his mind, he thought it should be granted. For himself he wished the consideration to be postponed for a few days.[337]

MR. JOHNSTON said, all this trouble and angry discussion had been brought about by Mr. "Allons donc" over there. It certainly must be a very intelligent constituency which sent him to Parliament. Everyone knew that a pig was the dirtiest animal that ran about the streets, but he was the worst specimen of the swinish multitude he, (Mr. J.,) had ever seen - (Order, order.)[338]

M. MERRITT dit que ce ne pouvait être une question de parti; que ce serait absurde.[339] He hoped Ministers would consent to postpone this question for a few days, for the object was not understood.[340]

MR. BOULTON hoped Ministers would not postpone this matter after what had taken place that night; he hoped they would insist upon the vote, because it had been made a party question. The member for the Fourth Riding of York had thought proper to give the debate this turn, he had seen two or three members on this side wavering, and had seized upon the opportunity to get up and speak against the immediate necessity of the alteration proposed, but he had taken good care not to commit himself by bringing forward one single argument to meet those which had been given in favor of the resolution, or to support the position he himself proposed to take. That gentleman wanted a party vote, then a party vote let him have, and let us see which party is[341] the strongest - and let them rule.[342] The measure under consideration could not affect the Canadian farmer, it could interfere with his interests in no one way[343], as the price of wheat has, for a few years past, been lower in Canada than in the United States.[344] Nor did the opposition on the other side of the House spring from any such idea,

but on the contrary it had birth in no other motive than an attempt to take advantage of a division of opinion in the Ministerial ranks.[345]

MR. R. MACDONALD (Cornwall) was prepared to vote on this question, but considering the great interests it involved, he would not have opposed a postponement had it been asked in good faith[346]. When so great a change is to be made as that proposed by the resolution, time ought to be allowed to consider the subject in all its bearings[347]. ((Il)) aurait préféré voir la discussion différée d'une journée ou deux.[348] He did not pin his faith to the Administration, he was not prepared to follow merely because they led, nor were his friends around him; they wanted reasons for their conduct, they wished to be convinced by argument of the necessity of any change proposed, and would not run like a flock of sheep because one ran before them. He hoped that members on the other side were the same, but he feared it was very different with them. - He believed that during the last ten minutes there had been a great change in the opinions of some hon. gentlemen near him who had been opposed to the passage of the resolution before the House; the intention and scope of the resolution was not perfectly understood on either side of the House, and he believed if they were it would be carried unanimously. He was on this occasion prepared to follow the leaders of his party[349]. He (Mr. M'D) was proud of ... ((them)) for[350] they had come down to the House with unanswerable arguments in support of most statesmanlike views[351], and had met the emergency with the bold and determined spirit that it required[352]. But how had they been met? No attempt had been made to shake the position they had taken; no argument had been brought forward to controvert anything they had stated; no better proposition had been made, in fact no proposition at all had been made by the other side to meet the crisis in our commerical affairs; no reasons had been stated against the truth and necessity of the great principles which the House had heard expounded that night, by the members on the Opposition Benches. The hon. member for the Fourth Riding of York[353], the leader of the opposition ... had sought to make this a party question; he had seen a little division in the Ministerial ranks, and he rose up and merely stated that he would not vote for the motion[354]. He was not prepared, at this moment, to vote for the resolution - he was not prepared, forsooth! - for what was he prepared? He had given no reasons why he was not prepared to vote; he had brought forward no objection to the course proposed to be taken by members; he had offered no suggestion of what he thought a better scheme - but he was not prepared. Would Lord John Russell, or any great statesman or leader of a party in the British House of Commons, get up in his place, and meet a question affecting the commercial policy of the country, with such a sorry statement as that - he was not prepared. He was not prepared tonight, and why? - because he conceived that he had an opportunity to overturn the Ministry. If Ministers went out upon that question, and that hon. gentleman were called upon to take the reins of Government, one of the very first measures which he would bring before that House would be this, for which he said he was not now prepared to vote. The

alteration of circumstances would make a wonderful change in his state of preparation; and it would be quite extraordinary how soon his convictions would ripen into action under the sun of office. To make use of a common expression if the present ministers went to bathe, the opposition would steal their clothes[355], and bring forward this very measure.[356] (Cheers.) The member for the Fourth Riding of York wanted to follow in the steps of the master of inactivity[357], the great American statesman[358], Mr. Calhoun. But the country wanted action without delay; it was necessary to see at once what were the measures to be taken to relieve this colony from the difficulties in which the altered commercial policy of England threatened to plunge her. All parties should have been ... ((united)) on this question, every one should have ... ((worked)) with another to devise and carry out the means best adapted to effect the object in view. Hon. gentlemen on the other side, if they dissented from the proposition of the Inspector General, should have been prepared to have stated their reasons, and to have come forward with their schemes, and if the members on the Ministerial Benches had found them better, they would have followed them. But the hon. gentleman was not prepared. He (Mr. McDonald) had hoped that for once that gentlemen would have risen superior to the petty motives of party feeling; he had hoped for once he would have sought this country's good rather than his personal interests. Had he done this, if he had come forward and said to the administration your measure is a good one, it is one which the altered circumstances of the country demands, and I will support you in it - in how different, in how much nobler a light he would have stood before the country and that House. But he had been disappointed in him, he found that he still preferred rather to look at measures through discoloured party glasses[359], (Hear, hear.)[360] than to view them through the brighter ones of public good. Protection was thought a popular card to play, and therefore this course had been taken with the hope of ... ((embarrassing)) ministers, and going to the country with that cry in their mouths; but should they be successful it would be found that the country would understand the matter, and would support the present Administration. On a former occasion when a protective policy was proposed, the members for Lower Canada were found voting against it; they did not then want protection, they repudiated the principle.[361] The people of Lower Canada were in favor of free trade.[362]

No, no, from several French Canadian members.[363]

MR. R. MACDONALD ((resumed:)) Such was his impression of what had taken place in the last Parliament and at Kingston[364]. That they did not produce more than was required for their own consumption; and that they had ((then)) opposed ... the importation (sic) of duty upon wheat[365], and now will they abandon their opinions, will they stultify the votes they gave on that occasion, for the sake of party. He feared from what he had seen and heard in the House this evening, the Ministry and the measure were rather in advance of the intelligence of the times, he was afraid the Administration was too honest, too patriotic for the times,

that they did not court and consult the prejudices of the people sufficiently. He was afraid if the Ministry insisted upon doing the people good against their inclination that they would one day find themselves in a minority; the children of Mammon on the other side were more in their generation than the children of light on this, and consulted and pandered to the prejudices of the people more. There was, however, one fault he had to find with the administration, they did not submit the great measures of the Session to their friends as had been done on former occasions; if they did so, they could be properly examined and discussed, objections might be removed and explanations made; and then they could come down to that House prepared to support them. The members on this side of the House were not like those on the other,[366] ((they were)) free men,[367] they did not vote as a party,[368] ((but)) according to ... ((their)) consciences,[369] they thought for themselves and decided for themselves;[370] and this is the reason why ... ((they)) so often divide((d))[371]. They were unlike gentlemen on the opposition benches, who did not venture an opinion for themselves, but were compelled to follow their leaders, and do as they commanded; there never was a more iron despotism, not that of[372] Nicholas[373], the Emperor of Russia than that exercised by the leaders of the opposition on their followers - who were their slaves. In conclusion, although his own mind was made up and he was prepared to vote, yet if it was desired, and as he conceived delay would lead to a better understanding of the resolution, he would not oppose a postponement for a few days.[374]

MR. J. S. MACDONALD, of Glengarry. - The hon. member for Cornwall loses sight of the main question, and attacks this side of the House, because they do not propose any measure and yet oppose the one before the House. He would tell him why that was the case: it was because when they ventured to offer a suggestion, it was treated with contempt. When such had been repeatedly the case, could it be expected that they would now attempt to propose any other measure.[375] ((He)) denied that members on the opposition side voted in a body, there were many occasions on which they were opposed to each other, and but few when gentlemen opposite so differed. Although he did think that Ministers would not wish to postpone the consideration of the resolution if they could carry it, yet he was not opposed to it. He did not however, think that delay would be productive of any good effect, the subject had been well discussed and no additional light could be thrown upon it on any future occasion.[376] He considered that the farmers were not yet prepared for the measure this year.[377] The position afforded[378] them last year[379], had induced them to enlarge their operations, under the idea that the price of wheat would be benefited by it; and although the opinion might be a fallacy, yet it was one which they held.[380] Now, if we pass the resolutions before us, we will do them a grievous injury.[381] Of two measures, he would consider one which would allow the introduction of American wheat and flour, not only for exportation, but for consumption also as preferable to that before the House. He

repeated that the country was not prepared for it, and it would be wiser to wait and see the action of the Imperial Parliament.[382] In conclusion, he would beg to state that our opposition was not founded on party grounds, but on principle, and the hon. members opposite will see that we will be divided to-night.[383]

MR. SOL. GEN. SHERWOOD regretted that the discussion had taken such a turn, if ever there was a time when it was necessary for the extremes of both parties to unite to consider the course of policy to be pursued by this colony, under her altered circumstances, and to give effect to that policy with deliberation, calmness and wisdom - this was it. If ever there was a time when the trade, the very commercial existence of Canada, her means of revenue and her financial credit were in peril - this was it. This was a time for the casting aside of party spirit, of generous rivalry and not political contention - this was the time of all others when the country needed united council. He regretted that[384] the remarks of Her Majesty's Opposition[385] had made that a party question; it never ought to have been allowed to have assumed that shape.[386]

MR. BALDWIN. - None of his remarks could by any means be construed into making the question a party question.[387]

MR. SOL. GEN. SHERWOOD would acquit him from all such design, but referred to the hon. member on his right, the leader of Her Majesty's Opposition.[388]

MR. CAUCHON. - I said no such thing.[389]

MR. SOL. GEN. SHERWOOD. - Well then it has assumed this turn, and he was very sorry for it.[390] He desired to see a question of so much importance, and in which[391] the whole of United Canada[392] was so much interested ... meet a different[393], united[394] spirit, ((be)) debated upon its merits and finally settled upon broad and comprehensive principles. It was folly to say that the House was not prepared for this measure, it had been fully discussed in every newspaper throughout the Province.[395] You cannot take up a paper without seeing some remarks on the subject.[396] How was it then that hon. gentlemen on the other side if they did not like the proposition of the government, were not prepared with some suggestion to meet the evil which was allowed on all hands to be incumbent. He hoped and trusted that on the proposition it had brought down the Administration would stand or fall. They were convinced that this was the only measure to be adopted now; if hon. gentlemen were prepared with a better remedy, let them take our places. He called upon the members of the Eastern section of the Province, to say if it was not necessary to take some steps to prevent the trade which they now enjoyed with the Western portion from being wrested from them; and the trade they had hitherto had the advantage of being diverted from our Public Works into the United States. He asked them if they wished to see the people of Upper Canada buying in the New York market the manufactures they heretofore bought in Montreal, and sending there the produce which formerly found its way down the St. Lawrence. If they desire to see this, let

them reject the resolution before the House, and they would accomplish it. But if they desired to be still the importers for all Canada and that the Wheat and Flour of the West should pass through their hands, let them adopt this measure. If they desired to make this a party measure let the consequences be on their own heads.[397] He considered himself pledged to this measure[398]. ((He was)) prepared to stand or fall by ((it))[399], and he believed[400] his hon. friends[401] ((in)) the ministry[402] were prepared to do the same.[403] He believed it to be the only measure that would save the credit of the country[404] car c'était la seule mesure susceptible de neutraliser les résultats funestes du changement des lois anglaises.[405] ((It)) will secure the object we have in view, to draw down the St. Lawrence the trade of the United States, and to prevent our own from passing through America.[406] If (said he) there are others who can produce a better measure, why then let them take their seats on the Treasury Benches.[407]

MR. MERRITT moved that the Committee do now rise, report progress and ask leave to sit again.[408]

M. ERMATINGER demandait du délai.[409]

M. CHAUVEAU,[410] s'exprima en anglais dans le sens de la motion de M. Merritt. La question importante qui est maintenant devant la chambre demande notre plus sérieuse attention. Il serait triste pour le pays, quelles-que puissent être les conséquences politiques du vote de la chambre sur cette mesure, il serait triste pour le pays que l'esprit de partit (sic) prévalût sur le mérite même de la question[411].

Hear! hear! sur les bancs de la droite.[412]

M. CHAUVEAU ((continua:)) Assurément que l'administration, ni le pays ne retireront aucun avantage des discours tels que ceux qui viennent d'être faits par l'honorable représentant de Leeds, et par l'honorable représentant de Cornwall.[413]

Très-bien à gauche.[414]

MR. CHAUVEAU ((resumed:)) ((Their remarks)) would not contribute to the good feelings or harmony of the House; men were too apt of themselves to act from party feeling without the aid of such exciting taunts as has just been thrown out. It was not true that in the present instance, the members on his (Mr. Chauveau's) side of the House, were disposed to view the question before the House in a mere party light.[415] Avant que d'entendre ces messieurs, je ne songeais pas qu'il pourrait y avoir d'autre chose à envisager dans cette grande question, que les intérêts matériels du pays; j'avais oublié à quel parti politique j'appartenais[416]. He (Mr. C) had forgotten on which side of the House he was seated - (cheers)[417]. J'étais sur le point même d'oublier que j'appartenais au Bas-Canada. Les discours des membres ministériels m'ont fait souvenir qu'il y avait dans cette chambre un ministère et une opposition, un Haut-Canada et un Bas-Canada.

Les honorables membres qui ont jugé à propos de parler d'une si étrange manière de l'honnorable (sic) représentant de Montmorency,

n'ont pas compris cet honorable membre. Il n'a pas fait et n'a pas voulu faire j'en suis certain un appel à l'esprit du parti. Il a trop montré l'intelligence de la haute question qui nous préoccupe pour avoir voulu la ramener à d'aussi mesquines proportions. J'ai écouté avec ... attention les observations des honorables représentant (sic) de London et de la cité de Montréal, et je regrette infiniment que ceux des honorable (sic) membres que leur expérience et leur (sic) lumières mettent à la tête de ceux qui siègent de ce côté-ci de la chambre[418], ((and)) who were acquainted with political economy,[419] n'aient pas jugé à propos de traiter cette question comme elle devrait l'être, (Hear! hear!) C'est un singulier spectacle qu'offre cette chambre: une opposition calme et silencieuse, tandis que le parti ministériel se distingue par des bravades et des défis: aussurément (sic) que les votes sont renversés.

Je n'ai pas la présomption de vouloir discuter la question d'économie politique qui se présente et que je ne crois pas encore suffisammment (sic) éclairée, mais je dois dire qu'en face de la nouvelle politique que l'Angletterre (sic) veut adopter, la colonie doit prendre une attitude qui puisse la faire respecter[420].

Applaudissements à droite.[421]

MR. CHAUVEAU ((resumed:)) The question was one that interested all[422]. Si le bon côté de nos relations avec la mère-patrie doit disparaître, il faut que le mauvais côté disparaisse aussi; si le lien colonial doit devenir une chaîne de fer, il faut la briser[423].

Vifs applaudissements sur les bancs de la droite.[424]

M. CHAUVEAU ((reprit:)) C'est à l'Angleterre plus qu'à nous, à chercher le remède au mal qu'elle nous fait; mais cela ne doit pas nous dispenser de lui indiquer ce que nous considérons être un remède efficace. On a parlé du système de canalisation du Haut-Canada, qui va devenir inutile avant même que d'être terminé. Cela prouve bien l'absurdité des dépenses énormes qu'on a faites dans cette partie de la province; mais ces dépenses ont été encouragées, provoquées par les droits protecteurs que l'Angleterre avait établis, par la protection qu'elle accordait non seulement à notre agriculture, mais au transit colonial; eh bien! une des compensations, et la moindre des compensations que l'Angleterre nous doive, c'est d'acquitter cette dette énorme qu'elle a fait contracter au Haut-Canada, et qu'elle fait injustement payer au Bas-Canada! In n'est peut-être plus temps de nous disputer sur le fait de ces dépenses, mais il est encore temps de les rejeter sur la mère-patrie qui s'en rend responsable en violant ses engagements envers la colonie. Mais je l'ai déjà dit dans les débats sur l'adresse, pour obtenir un tel résultat, il faudrait plus qu'une majorité, il faudrait l'unanimité. (Applaudissements). Je désire que l'on puisse s'entendre, et que quelque mesure que l'on adopte, ce soit la voix de la colonie que l'on fasse entendre à l'Angleterre et non pas la voix d'un partie (sic), et c'est pour cela que je voterai pour l'ajournement.[425]

MR. GOWAN - applauded the speech of the hon. member for Quebec (Mr. Chauveau.) He (Mr. Gowan) would have been sorry if he had introduced any party spirit into the debate, but he had only followed the hon. member for Montmorenci, the leader of Her Majesty's opposition who had done so. If delay was wanted by the members opposite he hoped the ministry would grant it, for then it could not be said that the ministry wished delay because they were afraid that they would be defeated, as might be said if it came from their side of the House; if delay was wished for by the other side of the House, he would vote for it.[426]

MR. CAUCHON, said he wished to make a few remarks, as he had been misrepresented. He said they might make it a party question if they liked, but he did not nor would he do so.[427] Il n'aurait pas défié le ministère si M. Smith n'avait pas consenti à accorder du délai, après l'avoir refusé déjà, l'hon. membre ne savait pas à qui.[428] They had called him the leader of the opposition, he was not; but he thought his opinion was equal to that of the member for Leeds. He said that no arguments had been advanced against those which he had stated when he spoke in French; he then said we were not ready to adopt the resolution in question yet, for we were not in the same situation as England, she could bring the other nations round to Sir Robert Peel's measure, which we could not do; and if England broke down her present Colonial system on the one side, then we must break it down on the other; if she took away her protection, then she must open the foreign markets to us, but as he had already stated, we should not take any steps before England had done so. If the members on the other side were ready to vote, then he was ready also; he would vote against it for we were not ready yet.[429]

MR. DEWITT, said that he had asked for delay at the first opportunity he could get to do so.[430] Il repoussa l'idée que ce fut une question de parti.[431]

MR. MERRITT's motion in amendment, that the Committee do now rise and report progress, and ask leave to sit again, was then put and carried; ayes, 36; nays, 29. - Majority 7.[432]

(111)

and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Méthot reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Cayley,

Ordered, That the Orders of the Day be now called.

Trinity House Bill, (Québec.) *The Order of the Day for the second reading of the Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec; to Pilots and Pilot-*

age in the Port of Quebec; and to the Quebec decayed Pilot Fund; and for other purposes, being read;

MR. AT. GEN. DRAPER[433] then remarked that after the vote which had just been taken, he should move that the orders of the day should be postponed, and that the House do adjourn. He took that course[434] in order to give himself and colleagues an opportunity of considering the course they should pursue after the vote which had just been given.[435]

Some objection was raised and a question was attempted to be put to the Ministry[436].

Plusieurs membres demandèrent à introduire des bills privés[437].

MR. AT. GEN. DRAPER again rose and said he was surprised that any question should be put, after the declaration he had just made - he never heard of such a course.[438]

(111)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Cayley,

Orders Postponed. *Ordered, That the Orders of the Day be postponed until the next meeting of the House.*

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Cayley,

The House adjourned until Monday next.[439]

APPENDIX, 17 APRIL 1846.

((QUESTION AND ANSWER RE: QUEBEC FIRE.))

M. CAUCHON demanda à l'administration si elle serait bientôt prêt (sic) à venir au secours des incendiés de Québec[440].

MR. AT. GEN. SMITH répondit que l'on viendrait sous peu devant la chambre avec une mesure à cet effet.[441]

((WITHDRAWN MOTION RE: PETITION OF DONALD CAMERON.))[442]

MR. W. STEWART ((moved)) to refer the petition of Donald Cameron, of the Home District, to a select committee.[443]

MR. AT. GEN. DRAPER said, that the reason why he was opposed to the referring of the petition was, that a petition of which this was, he believed, an exact copy, was referred to a select committee last session, and that committee had recommended a particular course, no allusion to that was made in the petition; to make the matter better understood, he would briefly explain the nature of the petition. It appears that in 1826, Donald Cameron, the petitioner, offered to government to bring out settlers to this country if deeds would be granted to them; the government consented, and he believed that the petitioner went to Scotland, and succeeded in bringing out a number of settlers; some time after a return was made to the government by the petitioner of the quantity of land settled; a Mr. Smalley, a surveyor, was ordered to examine and report, it appeared that a greater number of lots were claimed than were actually settled; on this account, the government perceiving that a fraud was wished to be practised on them, refused to grant the deeds, and cancelled the location tickets; the tickets remained in the hands of the petitioner; it further appears that a road has been opened at the expense of Donald Cameron, the petitioner, and that this road has been a great public benefit. These are briefly the facts of the case; petitions were presented to the U. C. Parliament, and their prayer rejected; and the petitioner now prays for the appointment of commissioners - three on the part of the government, and three on the part of the petitioner, and an umpire to be agreed upon; now this he considered a novel course to ask the government to submit to arbitration; and again, the petitioner has not dealt fairly with this House; an order in council was made on the subject, and no mention of it is made in the petition; the petitioner has been apprised that the reason of the government refusing to grant, was that the lands were not actually and bona fide settled; he could not therefore consent to the petition being referred to a select committee.[444]

MR. W. STEWART of (Bytown) - As he had the care of the petition, he could only say that he was unacquainted with the facts of the case.[445]

MR. BALDWIN - Was slightly acquainted with the facts of the case, from the circumstance of his having been on the committee last session. In

the sessions of the U. C. Par((liament)) ... of 1836 and '37, and in that of 1839 the subject was presented to them; and it appears from the report of Mr. Smalley, Surveyor, that more lands were claimed than were actually and bona fide settled; this fact he considered sufficient to call for more investigation; the petitioner denies having attempted to committed (sic) any fraud on the Government, and says that he has been the means of introducing a number of settlers, coming from Scotland; it cannot be denied that this has been the case, but he (Mr. B) could not take upon himself to say whether they did all reach their destination, and did actually settle. That Mr. Cameron has done a great deal of good to the country in the introduction of settlers, it cannot, he conceived, be denied; and he (Mr. B) conceived that the facts of the case call for investigation. Mr. Cameron is in a position to call for justice at the hands of the Executive Government.[446]

MR. AT. GEN. DRAPER said, the petioner (sic) had never done anything more than petition, he had never condescended on details. He would state, that in the performance of his duties he had been called upon to investigate claims for land, on the plea of settlement having been made; and he had often found persons had gone up for two or three weeks, and performed some of the duties of settling, and on that founded a claim for deeds. That mode he did not conceive to be just. They should be actually bona fide settlers.[447]

MR. J. S. MACDONALD, Glengarry, hoped that the petition would be referred. The petitioner had done a great deal of good to the country, by introducing settlers, and he had not proffted (sic) much by his exertions. He (Mr. M'D.) would like to see the matter thoroughly investigated. He believed that the petitioner could make out a strong cause.[448]

MR. BALDWIN said, Mr. Small's report was brought under the consideration of the committee last Session, and was the prominent point in the way of reference in the report of last Session.[449]

MR. G. MACDONELL of (Dundas) - Thought it the right of every British subject to have his petition referred to a committee, more especially, when it is stated in his petition that he has received an injury at the hands of the Executive Government, he has no other recourse but to the House, and he considered it the duty of the House to listen to such complaints.[450]

MR. HALL - If the Government are right in this matter, no injury could be suffered from an investigation; if they have acted wrong, he considered that it was but an act of justice to have the petition referred to a committee; he would vote for it on principle, as he saw no other course to be pursued.[451]

MR. J. S. MACDONALD of (Glengary) - He believed that the case of the petitioner would be found precisely similar to that of Chief MacNab; which, although resisted for a long time, was at last successful.[452]

MR. D. MACDONELL, of Stormont, said, that surveyors often made reports without even having seen the land. Perhaps Mr. Small may have done

the same.[453]

MR. GOWAN knew nothing of the merits of the case, but he considered it a dangerous principle to admit. He belived (sic), from what had been said, that injustice had been done to the petitioner, but he thought the more proper course to pursue was to move for an address for papers bearing on the subject, and when they were received there would be some evidence to send to a committee.[454]

The motion was then withdrawn ((by)) MR. W. STEWART.[455]

((WITHDRAWN MOTION RE: TAX ON PUBLIC OFFICERS.))

M. JOHNSTON, suivant avis, fit motion qu'il lui fut permis d'introduire un bill pour taxer les officiers publics recevant des salaires au montant de plus de £500.[456] ((Il parla)) contre les officiers publics.... Il dit qu'il avait la permission du ministère pour l'introduction d'un pareil bill; que le même jour il avait recontré l'honorable procureur-général Draper qui lui avait dit: "C'est bien, allez de l'avant (go a-head!)."[457]

L,orateur, M. MORIN, déclara que de telles mesures devaient originer dans un comité général.[458]

M. JOHNSTON ... ((retira)) sa motion.[459]

FOOTNOTES - 17 APRIL 1846.

1. The debate on this motion was reported by: LA MINERVE, 20 April 1846, whose account was copied by LE JOURNAL DE QUEBEC, 23 April 1846; LE JOURNAL DE QUEBEC, 21 April 1846; and PILOT, 17 April 1846, which noted it.
2. LA MINERVE, 20 April 1846.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The debate on this motion was reported by: LA MINERVE, 20 April 1846, whose account was copied by LE JOURNAL DE QUEBEC, 23 April 1846; LE JOURNAL DE QUEBEC, 21 April 1846; and PILOT, 17 April 1846, which noted it. There is a commentary in LE CANADIEN, 1 May 1846.
14. LA MINERVE, 20 April 1846.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 20 April 1846.
21. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 21 April 1846; L'AURORE, 22 April 1846; LA MINERVE, 20 April 1846, and LE CANADIEN, 24 April 1846, in accounts that were identical except that LA MINERVE omitted some speeches entirely; LA MINERVE, 20 April 1846, whose account was copied by LE JOURNAL DE QUEBEC, 25 April 1846; MONTREAL GAZETTE, 20, 22 April 1846, and ST. CATHARINES JOURNAL, 30 April 1846, in accounts that were identical except that MONTREAL GAZETTE's account contained more speakers; CHATHAM GLEANER, 28 April 1846, copying HAMILTON JOURNAL, 24 April 1846; MIRROR, 17 April 1846, GLOBE, 28 April 1846, and PILOT, 21 April 1846, in accounts that were identical except that PILOT's account contained more speakers; and MONTREAL TRANSCRIPT, 18 April 1846, whose account was copied by ST. CATHARINES JOURNAL, 23 April 1846, and BROCKVILLE RECORDER, 23 April 1846, in accounts identical with MONTREAL HERALD, 18 April 1846, whose account was translated by LE JOURNAL DE QUEBEC, 21 April 1846. Commentaries were in: MONTREAL GAZETTE, 20 April 1846; PILOT, 21 April 1846; and L'AURORE, 25 April 1846. MONTREAL GAZETTE, 20 April 1846, described the debate as "most interesting and important."
22. MONTREAL GAZETTE, 20 April 1846, commented that Cayley made "a very statesman like speech."
23. MONTREAL GAZETTE, 20 April 1846.

24. MIRROR, 17 April 1846.
25. MONTREAL GAZETTE, 20 April 1846.
26. MIRROR, 17 April 1846.
27. MONTREAL GAZETTE, 20 April 1846.
28. MIRROR, 17 April 1846.
29. MONTREAL GAZETTE, 20 April 1846. According to the MIRROR, 17 April 1846, however, his decision not to change this duty was merely temporary, and that "he was prepared to listen to any representations they might make..."
30. MONTREAL GAZETTE, 20 April 1846.
31. MIRROR, 17 April 1846.
32. MONTREAL GAZETTE, 20 April 1846.
33. MIRROR, 17 April 1846.
34. MONTREAL GAZETTE, 20 April 1846.
35. MIRROR, 17 April 1846.
36. MONTREAL GAZETTE, 20 April 1846.
37. MIRROR, 17 April 1846.
38. MONTREAL GAZETTE, 20 April 1846.
39. IBID.
40. MIRROR, 17 April 1846, which specifically reported that the tolls were included in the charge.
41. MONTREAL GAZETTE, 20 April 1846.
42. MIRROR, 17 April 1846.
43. MONTREAL GAZETTE, 20 April 1846.
44. MIRROR, 17 April 1846.
45. MONTREAL GAZETTE, 20 April 1846.
46. MIRROR, 17 April 1846.
47. MONTREAL GAZETTE, 20 April 1846.
48. MIRROR, 17 April 1846.
49. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the cost as $5.74.
50. MONTREAL GAZETTE, 20 April 1846.
51. MIRROR, 17 April 1846.
52. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 431,333.
53. MONTREAL GAZETTE, 20 April 1846.
54. MIRROR, 17 April 1846.
55. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 273,380.
56. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 284,280.
57. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 2,875,605.
58. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 3,432,765.
59. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the figure as 2,783,602.
60. MONTREAL GAZETTE, 20 April 1846.
61. MIRROR, 17 April 1846.
62. MONTREAL GAZETTE, 20 April 1846.

63. MIRROR, 17 April 1846.
64. MONTREAL GAZETTE, 20 April 1846.
65. MIRROR, 17 April 1846.
66. MONTREAL GAZETTE, 20 April 1846.
67. MIRROR, 17 April 1846.
68. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the cost as 4s 9d to 5s.
69. MONTREAL GAZETTE, 20 April 1846.
70. MIRROR, 17 April 1846.
71. MONTREAL GAZETTE, 20 April 1846.
72. MIRROR, 17 April 1846.
73 MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the cost as 2s to 4s.
74. MONTREAL GAZETTE, 20 April 1846.
75. IBID.
76. IBID.
77. MIRROR, 17 April 1846.
78. MONTREAL GAZETTE, 20 April 1846.
79. MIRROR, 17 April 1846.
80. MONTREAL GAZETTE, 20 April 1846.
81. MIRROR, 17 April 1846.
82. MONTREAL GAZETTE, 20 April 1846.
83. MIRROR, 17 April 1846.
84. MONTREAL GAZETTE, 20 April 1846.
85. MIRROR, 17 April 1846.
86. MONTREAL GAZETTE, 20 April 1846.
87. MIRROR, 17 April 1846.
88. MONTREAL GAZETTE, 20 April 1846.
89. MIRROR, 17 April 1846.
90. MONTREAL GAZETTE, 20 April 1846.
91. MIRROR, 17 April 1846.
92. MONTREAL GAZETTE, 20 April 1846.
93. MIRROR, 17 April 1846.
94. IBID.
95. MONTREAL GAZETTE, 20 April 1846.
96. MIRROR, 17 April 1846.
97. MONTREAL GAZETTE, 20 April 1846.
98. MIRROR, 17 April 1846.
99. MONTREAL GAZETTE, 20 April 1846.
100. MIRROR, 17 April 1846.
101. IBID.
102. MONTREAL GAZETTE, 20 April 1846.
103. MIRROR, 17 April 1846.
104. MONTREAL GAZETTE, 20 April 1846.
105. MIRROR, 17 April 1846.
106. MONTREAL GAZETTE, 20 April 1846.
107. IBID.
108. MIRROR, 17 April 1846.

109. MONTREAL GAZETTE, 20 April 1846.
110. MIRROR, 17 April 1846.
111. MONTREAL GAZETTE, 20 April 1846.
112. IBID.
113. LA MINERVE, 20 April 1846.
114. L'AURORE, 22 April 1846.
115. MONTREAL GAZETTE, 20 April 1846.
116. IBID.
117. IBID.
118. LA MINERVE, 20 April 1846.
119. MONTREAL GAZETTE, 20 April 1846.
120. IBID.
121. MIRROR, 17 April 1846.
122. MONTREAL GAZETTE, 20 April 1846.
123. MIRROR, 17 April 1846.
124. MONTREAL GAZETTE, 20 April 1846.
125. MIRROR, 17 April 1846.
126. MONTREAL GAZETTE, 20 April 1846.
127. MIRROR, 17 April 1846.
128. MONTREAL GAZETTE, 20 April 1846.
129. MIRROR, 17 April 1846.
130. MONTREAL GAZETTE, 20 April 1846.
131. L'AURORE, 22 April 1846.
132. MIRROR, 17 April 1846.
133. MONTREAL GAZETTE, 20 April 1846.
134. MIRROR, 17 April 1846.
135. MONTREAL GAZETTE, 20 April 1846.
136. MIRROR, 17 April 1846.
137. MONTREAL GAZETTE, 20 April 1846.
138. MIRROR, 17 April 1846.
139. MONTREAL GAZETTE, 20 April 18e6.
140. MIRROR, 17 April 1846.
141. IBID.
142. MONTREAL GAZETTE, 20 April 1846.
143. IBID.
144. MIRROR, 17 April 1846.
145. IBID.
146. MONTREAL GAZETTE, 20 April 1846.
147. IBID.
148. MIRROR, 17 April 1846.
149. MONTREAL GAZETTE, 20 April 1846.
150. MIRROR, 17 April 1846.
151. MONTREAL GAZETTE, 20 April 1846.
152. MIRROR, 17 April 1846.
153. MONTREAL GAZETTE, 20 April 1846.
154. MIRROR, 17 April 1846.
155. MONTREAL GAZETTE, 20 April 1846.
156. MIRROR, 17 April 1846.
157. IBID.
158. MONTREAL GAZETTE, 20 April 1846.

159. MIRROR, 17 April 1846.
160. MONTREAL GAZETTE, 20 April 1846.
161. MIRROR, 17 April 1846.
162. MONTREAL GAZETTE, 20 April 1846.
163. MIRROR, 17 April 1846.
164. MONTREAL GAZETTE, 20 April 1846.
165. MIRROR, 17 April 1846.
166. MONTREAL GAZETTE, 20 April 1846. MIRROR, 17 April 1846, quoted the price as 4s 5½d.
167. MONTREAL GAZETTE, 20 April 1846.
168. MIRROR, 17 April 1846.
169. MONTREAL GAZETTE, 20 April 1846.
170. IBID.
171. IBID.
172. MIRROR, 17 April 1846.
173. MONTREAL GAZETTE, 20 April 1846.
174. MIRROR, 17 April 1846.
175. MONTREAL GAZETTE, 20 April 1846.
176. MIRROR, 17 April 1846.
177. MONTREAL GAZETTE, 20 April 1846.
178. MIRROR, 17 April 1846.
179. MONTREAL GAZETTE, 20 April 1846.
180. MIRROR, 17 April 1846.
181. MONTREAL GAZETTE, 20 April 1846.
182. MIRROR, 17 April 1846.
183. MONTREAL GAZETTE, 20 April 1846.
184. MIRROR, 17 April 1846.
185. MONTREAL GAZETTE, 20 April 1846.
186. MIRROR, 17 April 1846.
187. MONTREAL GAZETTE, 20 April 1846.
188. PILOT, 21 April 1846.
189. MONTREAL GAZETTE, 20 April 1846.
190. PILOT, 21 April 1846.
191. MONTREAL GAZETTE, 20 April 1846.
192. PILOT, 21 April 1846.
193. MIRROR, 17 April 1846.
194. MONTREAL GAZETTE, 20 April 1846.
195. MIRROR, 17 April 1846.
196. MONTREAL GAZETTE, 20 April 1846.
197. MIRROR, 17 April 1846.
198. MONTREAL GAZETTE, 20 April 1846.
199. MIRROR, 17 April 1846.
200. MONTREAL GAZETTE, 20 April 1846.
201. MIRROR, 17 April 1846.
202. MONTREAL GAZETTE, 20 April 1846.
203. MIRROR, 17 April 1846.
204. MONTREAL GAZETTE, 20 April 1846.
205. MIRROR, 17 April 1846.
206. MONTREAL GAZETTE, 20 April 1846.

207. MIRROR, 17 April 1846.
208. MONTREAL GAZETTE, 20 April 1846.
209. MIRROR, 17 April 1846.
210. MONTREAL GAZETTE, 20 April 1846.
211. MIRROR, 17 April 1846.
212. MONTREAL GAZETTE, 20 April 1846.
213. MIRROR, 17 April 1846.
214. MONTREAL GAZETTE, 22 April 1846.
215. MIRROR, 17 April 1846.
216. MONTREAL GAZETTE, 22 April 1846.
217. MIRROR, 17 April 1846.
218. MONTREAL GAZETTE, 22 April 1846. MIRROR, 17 April 1846, quoted the price as from 4s to 4s 4d.
219. MONTREAL GAZETTE, 22 April 1846.
220. MIRROR, 17 April 1846.
221. MONTREAL GAZETTE, 22 April 1846.
222. MIRROR, 17 April 1846.
223. IBID.
224. MONTREAL GAZETTE, 22 April 1846.
225. IBID.
226. MIRROR, 17 April 1846.
227. MONTREAL GAZETTE, 22 April 1846.
228. MIRROR, 17 April 1846.
229. MONTREAL GAZETTE, 22 April 1846.
230. MIRROR, 17 April 1846.
231. MONTREAL GAZETTE, 22 April 1846.
232. MIRROR, 17 April 1846.
233. MONTREAL GAZETTE, 22 April 1846.
234. MIRROR, 17 April 1846.
235. MONTREAL GAZETTE, 22 April 1846.
236. MIRROR, 17 April 1846.
237. MONTREAL GAZETTE, 22 April 1846.
238. MIRROR, 17 April 1846.
239. MONTREAL GAZETTE, 22 April 1846.
240. MIRROR, 17 April 1846.
241. MONTREAL GAZETTE, 22 April 1846.
242. MIRROR, 17 April 1846.
243. MONTREAL GAZETTE, 22 April 1846.
244. MIRROR, 17 April 1846.
245. MONTREAL GAZETTE, 22 April 1846.
246. LA MINERVE, 20 April 1846.
247. MIRROR, 17 April 1846.
248. MONTREAL GAZETTE, 22 April 1846.
249. LA MINERVE, 20 April 1846.
250. MONTREAL GAZETTE, 22 April 1846.
251. L'AURORE, 22 April 1846.
252. MONTREAL GAZETTE, 22 April 1846.
253. L'AURORE, 22 April 1846.
254. MONTREAL GAZETTE, 22 April 1846.

255. L'AURORE, 22 April 1846.
256. MONTREAL GAZETTE, 22 April 1846.
257. IBID.
258. MIRROR, 17 April 1846.
259. MONTREAL GAZETTE, 22 April 1846.
260. MIRROR, 17 April 1846.
261. MONTREAL GAZETTE, 22 April 1846.
262. MIRROR, 17 April 1846.
263. MONTREAL GAZETTE, 22 April 1846.
264. MIRROR, 17 April 1846.
265. MONTREAL GAZETTE, 22 April 1846.
266. MIRROR, 17 April 1846.
267. MONTREAL GAZETTE, 22 April 1846.
268. MIRROR, 17 April 1846.
269. MONTREAL GAZETTE, 22 April 1846.
270. MIRROR, 17 April 1846.
271. MONTREAL GAZETTE, 22 April 1846.
272. MIRROR, 17 April 1846.
273. MONTREAL GAZETTE, 22 April 1846.
274. MIRROR, 17 April 1846.
275. MONTREAL GAZETTE, 22 April 1846.
276. MIRROR, 17 April 1846.
277. MONTREAL GAZETTE, 22 April 1846.
278. MIRROR, 17 April 1846.
279. MONTREAL GAZETTE, 22 April 1846.
280. MIRROR, 17 April 1846.
281. MONTREAL GAZETTE, 22 April 1846.
282. MIRROR, 17 April 1846.
283. MONTREAL GAZETTE, 22 April 1846.
284. MIRROR, 17 April 1846.
285. MONTREAL GAZETTE, 22 April 1846.
286. MIRROR, 17 April 1846.
287. MONTREAL GAZETTE, 22 April 1846.
288. MIRROR, 17 April 1846.
289. MONTREAL GAZETTE, 22 April 1846.
290. MIRROR, 17 April 1846.
291. MONTREAL GAZETTE, 22 April 1846.
292. MIRROR, 17 April 1846.
293. MONTREAL GAZETTE, 22 April 1846.
294. MIRROR, 17 April 1846.
295. MONTREAL GAZETTE, 22 April 1846.
296. MIRROR, 17 April 1846.
297. MONTREAL GAZETTE, 22 April 1846.
298. MIRROR, 17 April 1846.
299. LE JOURNAL DE QUEBEC, 21 April 1846.
300. L'AURORE, 22 April 1846.
301. LE JOURNAL DE QUEBEC, 21 April 1846.
302. L'AURORE, 22 April 1846.
303. LE JOURNAL DE QUEBEC, 21 April 1846, observed: "il était plus de 10 heures."

304. LE JOURNAL DE QUEBEC, 21 April 1846.
305. L'AURORE, 22 April 1846.
306. LE JOURNAL DE QUEBEC, 21 April 1846.
307. MIRROR, 17 April 1846.
308. MONTREAL GAZETTE, 20 April 1846.
309. IBID.
310. MIRROR, 17 April 1846.
311. MONTREAL GAZETTE, 20 April 1846.
312. MIRROR, 17 April 1846.
313. MONTREAL GAZETTE, 20 April 1846.
314. IBID.
315. MIRROR, 17 April 1846.
316. MONTREAL GAZETTE, 20 April 1846.
317. MIRROR, 17 April 1846.
318. MONTREAL GAZETTE, 20 April 1846.
319. MIRROR, 17 April 1846.
320. MONTREAL GAZETTE, 20 April 1846.
321. MIRROR, 17 April 1846.
322. MONTREAL GAZETTE, 20 April 1846.
323. MIRROR, 17 April 1846.
324. MONTREAL GAZETTE, 20 April 1846.
325. MIRROR, 17 April 1846.
326. MONTREAL GAZETTE, 20 April 1846.
327. MIRROR, 17 April 1846.
328. MONTREAL GAZETTE, 20 April 1846.
329. IBID.
330. IBID.
331. IBID.
332. MIRROR, 17 April 1846.
333. MONTREAL GAZETTE, 20 April 1846.
334. MIRROR, 17 April 1846.
335. MONTREAL GAZETTE, 20 April 1846.
336. MIRROR, 17 April 1846.
337. MONTREAL GAZETTE, 20 April 1846.
338. IBID.
339. L'AURORE, 22 April 1846.
340. MONTREAL GAZETTE, 20 April 1846.
341. IBID.
342. MIRROR, 17 April 1846.
343. MONTREAL GAZETTE, 20 April 1846.
344. MIRROR, 17 April 1846.
345. MONTREAL GAZETTE, 20 April 1846.
346. IBID.
347. MIRROR, 17 April 1846.
348. L'AURORE, 22 April 1846.
349. MONTREAL GAZETTE, 20 April 1846.
350. MIRROR, 17 April 1846.
351. MONTREAL GAZETTE, 20 April 1846.
352. MIRROR, 17 April 1846.
353. MONTREAL GAZETTE, 20 April 1846.
354. MIRROR, 17 April 1846.

355. MONTREAL GAZETTE, 20 April 1846.
356. MIRROR, 17 April 1846.
357. MONTREAL GAZETTE, 20 April 1846.
358. MIRROR, 17 April 1846.
359. MONTREAL GAZETTE, 20 April 1846.
360. MIRROR, 17 April 1846.
361. MONTREAL GAZETTE, 20 April 1846.
362. MIRROR, 17 April 1846.
363. IBID.
364. MONTREAL GAZETTE, 20 April 1846.
365. MIRROR, 17 April 1846.
366. MONTREAL GAZETTE, 20 April 1846.
367. MIRROR, 17 April 1846.
368. MONTREAL GAZETTE, 20 April 1846.
369. MIRROR, 17 April 1846.
370. MONTREAL GAZETTE, 20 April 1846.
371. MIRROR, 17 April 1846.
372. MONTREAL GAZETTE, 20 April 1846.
373. MIRROR, 17 April 1846.
374. MONTREAL GAZETTE, 20 April 1846.
375. MIRROR, 17 April 1846.
376. MONTREAL GAZETTE, 20 April 1846.
377. MIRROR, 17 April 1846.
378. MONTREAL GAZETTE, 20 April 1846.
379. MIRROR, 17 April 1846.
380. MONTREAL GAZETTE, 20 April 1846.
381. MIRROR, 17 April 1846.
382. MONTREAL GAZETTE, 20 April 1846.
383. MIRROR, 17 April 1846.
384. MONTREAL GAZETTE, 20 April 1846.
385. MIRROR, 17 April 1846.
386. MONTREAL GAZETTE, 20 April 1846.
387. MIRROR, 17 April 1846.
388. IBID.
389. IBID.
390. IBID.
391. MONTREAL GAZETTE, 20 April 1846.
392. MIRROR, 17 April 1846.
393. MONTREAL GAZETTE, 20 April 1846.
394. MIRROR, 17 April 1846.
395. MONTREAL GAZETTE, 20 April 1846.
396. MIRROR, 17 April 1846.
397. MONTREAL GAZETTE, 20 April 1846.
398. BROCKVILLE RECORDER, 23 April 1846.
399. MONTREAL GAZETTE, 20 April 1846.
400. MIRROR, 17 April 1846.
401. BROCKVILLE RECORDER, 23 April 1846.
402. MIRROR, 17 April 1846.
403. BROCKVILLE RECORDER, 23 April 1846.

404. MIRROR, 17 April 1846.
405. L'AURORE, 22 April 1846.
406. MONTREAL GAZETTE, 20 April 1846.
407. MIRROR, 17 April 1846.
408. IBID.
409. L'AURORE, 22 April 1846.
410. LE CANADIEN, 24 April 1846. MIRROR, 17 April 1846, noted: "The hon. member's speech was received throughout with marked applause."
411. LE CANADIEN, 24 April 1846.
412. IBID.
413. IBID.
414. IBID.
415. MIRROR, 17 April 1846.
416. LE CANADIEN, 24 April 1846.
417. MIRROR, 17 April 1846.
418. LE CANADIEN, 24 April 1846.
419. MIRROR, 17 April 1846.
420. LE CANADIEN, 24 April 1846.
421. IBID.
422. MIRROR, 17 April 1846.
423. LE CANADIEN, 24 April 1846.
424. IBID.
425. IBID.
426. MIRROR, 17 April 1846.
427. IBID.
428. L'AURORE, 22 April 1846.
429. MIRROR, 17 April 1846.
430. IBID.
431. L'AURORE, 22 April 1846.
432. MIRROR, 17 April 1846. LE CANADIEN, 24 April 1846, reported that the ayes included "MM. Moffatt, Robinson, le colonel Prince, et plusieurs autres partisans ordinaires du ministére."
433. The debate on this matter was reported by: PILOT, 18 April 1846; L'AURORE, 22 April 1846; LE CANADIEN, 24 April 1846; LA MINERVE, 20 April 1846; whose account was copied by LE JOURNAL DE QUEBEC, 25 April 1846; MIRROR, 17 April 1846, PILOT, 21 April 1846, and MONTREAL GAZETTE, 20 April 1846, in identical accounts; and MONTREAL TRANSCRIPT, 18 April 1846, whose account was copied by BROCKVILLE RECORDER, 23 April 1846, in an identical account with MONTREAL HERALD, 18 April 1846, whose account was copied by LE JOURNAL DE QUEBEC, 21 April 1846. Commentaries may be found in: LE JOURNAL DE QUEBEC, 17, 21 April 1846; LE CANADIEN, 22 April 1846; L'AURORE, 22 April 1846; KINGSTON NEWS, 23 April 1846; MONTREAL GAZETTE, 20 April 1846; PILOT, 21 April 1846; and EXAMINER, 22 April 1846.
434. BROCKVILLE RECORDER, 23 April 1846.
435. MIRROR, 17 April 1846. LE JOURNAL DE QUEBEC, 21 April 1846, observed: "Il était minuit alors; ces paroles jetérent les membres et l'auditoire dans la surprise."
436. PILOT, 21 April 1846.
437. LA MINERVE, 20 April 1846.

438. PILOT, 21 April 1846.
439. IBID., 18 April 1846, noted that the adjournment was carried "amid the greatest excitement."
440. LE JOURNAL DE QUEBEC, 21 April 1846.
441. IBID.
442. The debate on this matter was reported by: MIRROR, 17 April 1846, and PILOT, 21 April 1846, in identical accounts.
443. MIRROR, 17 April 1846.
444. IBID.
445. IBID.
446. IBID.
447. IBID.
448. IBID.
449. IBID.
450. IBID.
451. IBID.
452. IBID.
453. IBID.
454. IBID.
455. IBID.
456. LE JOURNAL DE QUEBEC, 21 April 1846.
457. IBID.
458. IBID.
459. IBID.

(111)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Laterrière,--The Petition of Joseph Hovington and Ephraim Tremblay, of Tadousac, in the County of Saguenay, Navigators; and the Petition of William Price, of the City of Quebec, Esquire.

By Mr. Lacoste,--The Petition of the Reverend Pierre M. Mignault, Founder and Superior of the College of Chambly.

By Mr. Sherwood of Brockville,--The Petition of G. W. Arnold and others, of Brockville; and the Petition of Isaac Beecher, of the Town of Brockville, in the District of Johnstown.

By Mr. Brooks,--The Petition of the Reverend David Gibbs, A.M., and others, of the Township of Granby, in the County of Shefford.

By the Honourable Mr. Baldwin,--The Petition of E. Henwood, Secretary, on behalf of the Medical Board of Canada West.

By Mr. Chalmers,--The Petition of A. Proudfoot, Esquire, and others, members of the United Church of England and Ireland, in the Township of Trafalgar, in the Diocese of Toronto.

By the Honourable Mr. Robinson,--The Petition of the Reverend John A. Mulock and others, members of the United Church of England and Ireland, (relating to Clergy Reserves).

By the Honourable Mr. Aylwin,--The Petition of the Reverend R. R. Burrage and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and the Petition of Jeffery Hale, Esquire, and others, officers and members of the British and Canadian School Society.

By Mr. Price,--The Petition of John Thom and others, of the Township of Scarborough, in the Home District.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the City of Toronto (relating to Schools); and the Petition of the Board of Trade of the City of Toronto (relating to duty on wheat).

By Mr. Hale,--The Petition of M. Townsend and others, School Commissioners for the Municipality of Clarenceville, in the District of Montreal.

By Mr. Riddell,--The Petition of John Mathison and James Grant, of the Township of Zorra, in the District of Brock.

By Mr. Jobin,--The Petition of N. B. Doucet and L. R. Lacoste, Esquires, in behalf of the Notaries Public of the District of Montreal.

By Mr. M'Connell,--The Petition of O. Dorman and others, of the Township of Potton, in the District of Montreal.

By Mr. Méthot,--The Petition of F. B. Blanchard, Esquire, and others, of the Township of Kingsey, in the County of Drummond.

By Mr. Stewart of Bytown,--The Petition of Donald Cameron, of the

Township of Thorah, in the Home District.

By Mr. Gowan,--The Petition of William Bates and others, of Kitley and other Townships, in the District of Johnstown.

(112)

By Mr. Colville--The Petition of John Scriver, Merchant, of the Township of Hemmingford.

By Mr. Meyers,--The Petition of John Watch, Esquire, and others, of the neighbourhood of Woodstock, in the District of Brock.

"La Communauté des Filles de la Charité," Bill.

An Engrossed Bill to incorporate "La Communauté des Filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to incorporate "La Communauté des Filles de la Charité," of the Parish of St. Hyacinthe, in the District of Montreal, for the "care of infirm and sick persons, and for other purposes."

Ordered, That Mr. Bouthillier do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read.

Of George Chambers and others, Members of the United Church of England and Ireland, in Ingersoll West, and North Oxford, in the Diocese of Toronto; of the Reverend J. M'Grath, A.M., and others, members of the United Church of England and Ireland, in a part of the Township of Toronto, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands, as shall correspond with their share of the income arising from the same.

Of Samuel Harrold, Esquire, and others, of East Gwillimbury; praying that the Report of the Committee of the Legislative Assembly at its last Session, relating to the Clergy Reserve Lands, may be rejected.

Of Thomas Moshier and others, of the Township of Whitchurch, in the Home District; of Luther H. Cronk and others, of the Township of Whitby; of Norman Jones and others, of the Townships of Whitchurch and Markham, in the Home District; and of David Coutts and others, of the Township of Chinguacousy, in the Home District; praying that no division may be made of the Clergy Reserve Lands, but that the proceeds of the same be appropriated to the promotion of general education.

Of Christopher Coulthard and others, of the Township of Brock, in the Home District; of Irvine Johnston and others, of the Township of Brock, in the Home District; and of Archibald M'Millan and others, of Thorah, in the Home District; praying that the grant of last Session for the improvement of Simcoe Street may be expended according to the original intention.

Of J. J. Maitland and others, members of the United Church of England and Ireland, in the Diocese of Quebec; of the Reverend James Pyke and others, members of the United Church of England and Ireland, in the Diocese of Quebec; of the Reverend Andrew Balfour and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of the Reverend C. Jackson and others, of the Protestant Episcopal Mission of Hatley, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of James Ferrier, Esquire, Mayor, and others, members of the Municipal Council of the City of Montreal; praying for the passing of an Act to declare the election of the Mayor of the said City null and void, and to empower the said Council to proceed to another election of Mayor at the earliest possible period.

Of W. Simpson and others, members of the United Church of England and Ireland, in the Townships of Tay and Tiny; praying that the Common School Act may be amended, by dividing the grant among the different religious denominations, or that it be repealed.

Of Richard Griffith and others, of the County of Ottawa, in Lower Canada; praying for aid to open Roads in the said County.

Of Louis Bertrand, Esquire, Mayor, and others, the Municipal Council of the Parish of St. Jean Bte. de L'Isle Verte; and of Phillip Renouf, Esquire, Mayor, and others, Councillors of the Municipality of Notre Dame des Neiges des Trois Pistoles, in the County of Rimouski; praying that the said County be divided into two Counties, for Judiciary purposes.

Of Andrew Buckham and others, of the Township of Chinguacousy, in the Home District; of John Bogart and others, of the Township of Whitchurch; of David Buckham and others, of the Village of Paris, in the District of Gore; of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London; of Luther H. Cronk and others, of the Township of Whitby; of David Kintead and others, of the Township of Beverley; and of John Johnston and others, of the Townships of Uxbridge and Scott; praying that no partition be made of the endowment of King's College, but that the same may be secured from mismanagement, and the benefits thereof made general.

Of M. Townsend and others, the Board of Directors of the Clarenceville Academy, in the County of Rouville; praying for aid in support of the said Institution.

Of Adolphus Jacquies, formerly Printer and Proprietor of the Newspaper called "Le Fantasque;" complaining of his illegal imprisonment during the late troubles, and consequent loss of health and property, and praying relief.

Of M. Noel Tousignant, of the County of Lotbinière; complaining of the appointment of Germain Durand as a Lieutenant in the Battalion of the said County, and praying that he may be commissioned a Lieutenant in the said Battalion.

Of Jean Villers, Esquire, and others, of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, in the District of Quebec; praying that the Circuit Court and the Registry Office may be held at the Parish of Lotbinière.

Of Captain J. C. Rival and others, of Ste. Croix, Lotbinière, and other Parishes; praying for the construction of a Wharf at Pointe Platon, in the Parish of Ste. Croix.

Of George S. Tiffany, Esquire, and others; praying for an Act of Incorporation, to enable them to construct a Railway from Kingston to Prescott.

Resolved, That the Rule of this House, which limits the time for receiving private Petitions, be suspended as regards the said Petition.

Of Robert Mercer and others, of the Town of Chatham and its vicinity, in the Western District; praying for aid to construct a Plank Road from Queenston to Windsor.

Of Alexis Bertrand, a militia man, disabled during the late war with the United States; complaining that he has received no pension or provision, and praying relief.

Of John Wetenhall, Esquire, and others; praying for an Act of Incorporation, to enable them to construct a Railroad from Montreal to Kingston.

Resolved, That the Rule of this House, which limits the time for receiving private Petitions, be suspended as regards the said Petition.

(113)

Of Simon Gendron and Joseph Benoit, Esquires, Mayor, and Secretary, in behalf of the Municipal Council of Ste. Rosalie; praying for a Repeal of the Laws relating to Winter Carriages.

Of Francis C. T. Arnoldi, M.D., and others, of the Corporation of the School of Medicine and Surgery; praying that the claims of the said Corporation may be considered equally with the Faculty of Medicine of McGill College, in any pecuniary Legislative grant.

Of William Benjamin, and others, members of the Montreal Portuguese Congregation of Israelites; praying for an Act of Incorporation.

Of F. H. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Levi, and other Parishes, in the County of Dorchester; praying that the Registry Office for the said County be transferred to that part of the said County which was formerly the County of Dorchester.

Of A. A. Adams and others, of the Townships of Barnston and Barford; praying for aid to improve the road leading from Montreal to the Province Line.

Of the Honourable R. S. Jameson and others, the Trustees of the Toronto Hospital Endowment; praying for an Act of Incorporation, and for an aid in support of the said Institution.

Of M. T. O'Beirne and others; praying that the endowment of King's College be so disposed of as that all classes may participate in the advantages thereof.

Of Eli Gorham and others, of the Township of Whitchurch; praying that the Report of the Committee of last Session recommending a divi-

sion of the Clergy Reserve Lands may be rejected.

Of the Reverend R. M'Cosh, in behalf of the Presbyterian Congregation of Paris; praying that no partition be made of the endowment of King's College; that an Agricultural and Commercial Chair be established therein; and that there be no religious test whatever.

On motion of Mr. Duggan, seconded by Mr. Williams,

West Halton Election. Ordered, That the Order of this House of Monday, the sixth of April, instant, "That Miles O'Reilly, John Ogilvie Hatt, and Samuel B. Freeman, Esquires, Commissioners appointed to take evidence in the matter of the Contested Election for the West Riding of the County of Halton, be ordered to attend at the Bar of this House, forthwith, to answer for their neglect, in not complying with the Orders of the House and the Statute, in their proceedings under the Commission upon which they acted, and to bring with them the original minutes of their proceedings under the Commission," be now read.

The said Order was read accordingly.

Ordered, That the said Commissioners be now called to appear at the Bar of this House, to be examined on the subject matter of the Contested Election for the West Riding of the County of Halton.

The said Commissioners were accordingly called, and John Ogilvie Hatt and Samuel Black Freeman, Esquires, two of them, appeared at the Bar of the House.

John Ogilvie Hatt, Esquire, interrogated.

Question.--1. Are you John Ogilvie Hatt, one of the Commissioners appointed to take evidence in the matter of the Contested Election for the West Riding of the County of Halton; and are you the Chairman of the said Commissioners?

Answer.--I am.

Question.--2. Have you the original record of the proceedings had under the said Commission?

Answer.--I have.

Samuel Black Freeman, Esquire, interrogated.

Question.--3. Are you Samuel Black Freeman, one of the Commissioners appointed to take evidence in the matter of the Contested Election for the West Riding of the County of Halton?

Answer.--I am.

Ordered, That John Ogilvie Hatt, and Samuel Black Freeman, Esquires, be directed to withdraw.

Mr. Hatt and Mr. Freeman then withdrew.

Ordered, That that part of the Entries of the Journals of this House which relates to the Report of the Select Committee appointed to try the merits of the Contested Election for the West Riding of the County of Halton, together with the said Report, be now read.

The said Entries were read accordingly.[1]

A discussion ... ((arose)) as to the course to be pursued towards the Commissioners on the West Halton Election petition.[2]

MR. DUGGAN declared his intention of moving that the proceedings of the House should be read by the Clerk in order to convey to those gentlemen the opinion the House had formed, relative to their conduct in this matter, and they would thus be enabled to appear at the bar to-morrow with their defence.[3]

MR. AYLWIN objected to the course proposed by the hon. member. He considered that it would be a surrender of the dignity of the House to have a single order read to the persons at the bar; and he would suggest, that the usual course pursued was to interrogate persons brought up to the bar and by that means arrive at the information the House required.[4]

MR. DUGGAN hoped the House would bear in mind, that these gentlemen had been condemned unheard, and his object was merely to give them an opportunity of hearing the nature of the charge brought against them. In so doing he would inform the House that he had not resolved on this course, but after serious consideration, and with a wish to grant common justice; as he could conceive no greater anomaly than condemning these Commissioners unheard and without even giving them an opportunity of understanding the nature of the charge brought against them. When the hon. member for Quebec spoke of proceeding by interrogatory, he would beg to remind the hon. member, that the House did not require any information procurable from these gentlemen, not having been brought to the bar for that purpose but in order to receive punishment for not proceeding according to law in the discharge of their duty.[5]

MR. CHABOT was inclined to support Mr. Duggan's motion, as the Commissioners had not heard the charge against them and therefore could make no defence.[6]

MR. AYLWIN could assure the hon. member for the West Riding of York that anomalous as he might consider the course, which he (Mr. A) proposed it had been the practice of the English Commons for centuries and he would refer hon. gentlemen to a case which had excited great interest and occupied that body for a considerable space of time; nevertheless he would be happy to know what precedents the hon. member would bring ... forward to support his motion.[7]

MR. DUGGAN ... asked leave to withdraw his motion[8].

At the suggestion of MR. BALDWIN leave was granted[9].

(113)

Ordered, That the said Commissioners, John Ogilvie Hatt and Samuel Black Freeman, Esquires, be ordered to attend at the Bar of this House, to-morrow, at its opening, to await the further Orders of the House.

The said Commissioners were then called, and informed by Mr. Speaker that they were ordered by the House again to appear at the Bar to-mor-

row, at its opening, to await the further Orders of this House, and then they withdrew.

Petitions referred: F. H. Guay, Esq., et al.

Resolved, That the Petition of F. H. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Levi, and other Parishes, in the County of Dorchester, be referred to a Select Committee composed of Mr. Solicitor General Taschereau, Mr. Christie, the Honourable Mr. Laterrière, Mr. Chabot, and Mr. Laurin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

A. Jacquies.

Ordered, That the Petition of Adolphus Jacquies, formerly Printer and Proprietor of the Newspaper called "Le Fantasque," be referred to the Select Committee to which was referred the Petition of Mrs. Eleanor Teed, of the City of Quebec, widow of the late John Teed.

E. Gorham, et al.

Ordered, That the Petition of Eli Gorham and others, of the Township of Whitchurch, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

Message from Legislative Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

Idiots and Lunatics' Relief Bill.

The Legislative Council have passed the Bill, intituled, "An Act to remove certain doubts as to the jurisdiction conferred upon the Court of Chancery, in Upper Canada, in matters relating to Lunatics, Idiots, and Persons of unsound mind and their Estates; and to amend and extend the Laws in force in Upper Canada, relating to Lunatics, Idiots, and Persons of unsound mind and their Estates," without any amendment.

And then he withdrew.

Montreal Roads.

Mr. Jobin, from the Select Committee to which was referred the Petition of E. Guy and others, residing on the Lower Lachine road, and other references, with power to report from time to time, and with an instruction to the said Committee, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee have taken into consideration the Petitions of E. Guy and others, M. F. Valois and others, T. Meloche and others, Honourable Gabriel Roy and others, Honourable E. U. Harwood and others, and E. M'Naughton and others, relat-

(114)

ing to Roads in the Island of Montreal, and having examined the petitioners, and other witnesses in relation thereto, are of opinion that the Turnpike Roads prayed for by the Petition of M. F. Valois and others, from the Upper Lachine Road to the Village of Ste. Anne, is very much required, being necessary to continue the great line of communication between Montreal and the Upper Province, they therefore consider that the prayer of the petitioners should be granted. Your Committee are also of opinion that the Turnpike Road prayed for by Toussaint Meloche and others, from L'Abord-à-Plouffe to the Village of Ste. Geneviève, would be extremely beneficial, not only to the population of the whole upper part of the Island, but as giving access to the Montreal Market to the greater portion of the inhabitants of the northern part of the District of Montreal.

Upon considering the amount of the revenue at present accruing from the Lower Lachine Road, your Committee conceive that the continuation of that road from the Pavillion to the eastward of the Lachine Church, as prayed for by the Petition of E. Guy and others, is very desirable, and will be of great advantage to the public, particularly on account of the manufactories now established at the latter place, and many others hereafter to be established at the many places where water power is to be found on that line.

Your Committee have also taken into consideration the Petition of the Honourable Gabriel Roy and others, and conceive that the small portion of road connecting the Turnpike Roads leading from the City of Montreal to L'Abord-à-Plouffe and the Sault-au-Récollet, should be improved, as prayed for by the Petitioners, who, in the present state of that road, are deprived to a great extent to the advantage of the Turnpike Roads.

Your Committee consider that the prayer of the Petitions of the Honourable R. U. Harwood and others, and E. M'Naughton and others, would be complied with, if a Turnpike Road were made from Lachine to Ste. Anne, as suggested at the commencement of this Report; such road being the shortest that can be made from Ste. Anne to Montreal; and they are also of opinion that Bridges should be constructed, under the direction of the Board of Works, at Ste. Anne and at Vaudreuil Ferry, to complete the grand Trunk Road from Montreal to the Upper Province.

Should the above suggestions be concurred in by your Honourable House, your Committee would recommend that the roads to be made and improved in accordance therewith, be placed under the control of the Trustees of the Montreal Turnpike Roads, and that the said Trustees be authorised to borrow a further sum of twenty-seven thousand pounds for their construction, at a rate of interest not exceeding six per cent.

(For the Evidence to this Report see Appendix S. S.)

Ordered, That the said Report be committed to a Committee of the whole House on Wednesday next.

Report to be printed. Ordered, That two hundred copies of the said Report, with the evidence, be printed for the use of the Members of this House.

Message from His Excellency.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Administrator of the Government, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

CATHCART.

Contingencies.

The Administrator of the Government informs the Legislative Assembly that he has, in compliance with their Address, issued his warrant in favour of William Burns Lindsay, Esquire, the Clerk of the House, for the sum of five thousand pounds, currency, towards defraying the Contingencies of the House, the House having undertaken to make good the same.

GOVERNMENT HOUSE,
20th April, 1846.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Administrator of the Government,

Bytown Glebe Lot Correspondence.

Return to an Address from the Legislative Assembly to His Excellency, the Administrator of the Government, praying that His Excellency will be pleased to direct the proper officer to lay before them "copies of all documents and representations made to the Crown Lands Department in relation to the purchase, by John Rochester of Bytown, of a certain lot of land, in the vicinity of that town, set aside and reserved as a Glebe lot, for the Church of the United Kingdon of Great Britain and Ireland, and also copies of all such representations as may have been made upon this subject by the Reverend Mr. Strong."

(Copy.)

To His Excellency Lieutenant General the Right Honourable Charles Murray, Earl Cathcart, K.C.B., Administrator of the Government of the Province of Canada.

The Petition of the Reverend S. S. Strong, Rector of Christ's Church, Bytown,

HUMBLY SHEWETH,

That Your Excellency's petitioner having heard with great surprise and regret (notwithstanding the prayer of his Memorial of the 4th of February last) that it has been decided by the Honourable the Executive Council to alienate the Glebe lots set apart for the Church at Bytown, and that one has been sold, and the other is ordered to be sold--hastens to lay before Your Excellency his earnest prayer that so irreparable an injury may not receive the sanction of Your Excellency, by the issue of the Patent Deed of Lot No. 39, and broken front 1st Concession of Nepean, on the Ottawa, until some equitable compensation has been made to the Church at Bytown, for the wrongs which such an Act would

subject her to at the hands of the Government, or until your petitioner has been allowed the privilege of appeal to the Imperial Government on so special a case.

That Your Excellency's petitioner craves the opportunity of shewing that John Rochester can have no claim to the Lot No. 39, Concession A. in Nepean, called a broken front, from pre-emption; that it is a separate Lot from 39, 1st Concession, Nepean; that an Order in Council, bearing date 12th March, 1842, decides that no person was allowed to lease two Reserve Lots at the same time, and that therefore it would be wrong that John Rochester should be allowed pre-emption for two Lots; that some compensation may be made the Church of England, by the restitution of the broken front, if the whole cannot be applied to it; and that if it be not appropriated to such a purpose, the offers made for its purchase to the Agent for Crown Lands to the extent to £15 per acre, should have been accepted for the benefit of the Clergy Reserve fund.

That Your Excellency's petitioner cannot but conceive the endowment of the Scotch Church with 200 acres of Clergy Reserve in 1836, (as an equivalent for the lands set apart for the Church of England at Bytown,) for which the Patent Deed was issued without difficulty, and which has been held without molestation since, should have entitled his endowment to the same good faith and protection on the part of the Government which has marked its conduct towards the Presbyterian Body, as

(115)

well as to other denominations; and that as it has been admitted by the Executive, that the Glebe lots in question were set apart for the Church at Bytown, and that the parties claiming to purchase them could not substantiate a claim, and could have therefore no title to pre-emption. Your petitioner considers the subject of their alienation from the Church, should have met with the gravest consideration, and the most ample investigation, on the part of the Executive; and that his prayer to be allowed an appeal to Her Majesty's decision should have been heard, since it could not have invaded any just right of John Rochester or William Hopkins to the purchase of his Glebes, and would have afforded your petitioner the opportunity of redress.

That the recommendation of the Committee of the Honourable Executive Council, as furnished your petitioner from the Crown Lands Department, to the effect that if any vacant Crown Lands exist in the neighbourhood of Bytown, (excepting Lot Letter O,) a free grant of ten acres thereof be made to the Episcopal Church of Bytown, if desirable for the erection of a new church, parsonage house, burial ground, &c., could in no degree be a compensation to the church already in existence for the loss of its endowment; and that could such a grant be made, it would be utterly useless for the purposes specified, whilst Lot Letter O is excepted, since this is the only Crown Land known to the Crown Land Agent to be vacant within ten miles of Bytown which could be considered at all likely, from its population, to need a new church parsonage, or burial ground. Nor can your petitioner be otherwise than surprised at such exclusion, whilst it is understood that the

Roman Catholic Church are to have its already magnificent endowment from the Crown, augmented by a further grant from this very spot. That under the circumstances detailed, your petitioner feels the Church of England at Bytown is suffering great grievances at the hands of the Executive, by the invasion of her endowment without just compensation, whilst others are left in undisturbed possession of the favours of the Crown.

Your Excellency's petitioner therefore prays for a re-consideration of the subject in which counsel may be heard on his behalf; that he may be granted redress and full compensation for his Glebe lots, if otherwise appropriated; and that if the Executive should still refuse to grant him such redress or compensation, that no Patent may be issued to John Rochester until he has referred the question to the Imperial Executive.

And your petitioner will ever pray.

(Signed,) S. S. STRONG.

Bytown, 14th March, 1846.

To His Excellency, Lieutenant General, the Right Honourable the Earl of Cathcart, Administrator of the Government of the Province of Canada, and Commander of Her Majesty's Forces in British North America, in Council.

The Memorial of the Reverend S. S. Strong,

HUMBLY SHEWETH,

That Your Excellency's Memorialist in the year 1837 was appointed to the Rectory of Bytown with the sanction of the Lieutenant Governor of the Province of Upper Canada, Sir Francis Bond Head, Baronet.

That at the time Your Excellency's Memorialist was so appointed, there was a Glebe set apart for the use of the said Rectory, as appears by the Reports of the House of Assembly in 1836, which consisted of Lots No. 17 and 18 in the Township of Gloucester.

That in 1838 Your Memorialist, in reply to a letter received from the Clergy Reserve Agent, asking Your Memorialist if it was necessary that any change should be made in the above mentioned Glebe lots, replied that it was necessary, in as much as Lot No. 17 appeared to be leased, and Your Memorialist therefore prayed that Lot No. 39, 1st Concession of Nepean, Ottawa front, might be substituted for it, the Scotch Church having been endowed with 200 acres equally near the town.

That, on a visit of the late Lieutenant Governor, Sir George Arthur, to Bytown, a short time afterwards Your Memorialist laid before His Excellency the destitution of the Church of England, in consequence of its endowment having been withheld, whilst other denominations had been so favoured, and prayed the interference of the Executive in its behalf.

That His Excellency Sir George Arthur, admitted the hardship of the case, and requested that a letter with a statement of the circumstances, might be addressed to him through the Secretary, which letter gave rise to the correspondence, copies of which are enclosed.

That it will be seen by the said correspondence, that the justice of those claims were admitted, and would have been remedied by the Executive, had the Clergy Reserve question been settled.

That your Memorialist has learnt, with great regret, that the Lot 18, 1st Concession of Gloucester, on the Ottawa, claimed by a person named Hopkins, or Rathwell, which claims were set aside by a minute of Council, copy of which is annexed; and that Lot 39, 1st Concession, Nepean, Ottawa front, which your Memorialist prayed for in exchange for Lot No. 17, in Gloucester, and to which exchange the annexed correspondence shews no objection on the part of the Executive, but for the unsettled state of the Clergy Reserves, the Squatters on it having been held to possess no claim, are now offered for sale; and your Memorialist, therefore, prays that the claims of the Church at Bytown, to these Lots, may again be considered, and have full and impartial justice rendered them, before the Executive sanctions their alienation.

That your Memorialist cannot but think the Church at Bytown possesses the strongest possible claims to the indulgence of the Government, as it regards these Glebe Lots, in as much as in the year 1836, a Clergy Reserve, Lot H, in Concession 6, Township of Nepean, consisting of about 200 acres, was exchanged, as your Memorialist is informed, for 25 acres of Crown Land, (utterly worthless) in order that the said Clergy Reserve might be bestowed on the Scotch Church at Bytown.

That Her Majesty's Board of Ordnance having endowed the Roman Catholic Church with a new valuable piece of Land, and the Methodist also, whilst such a favour was withheld from the Church of England, your Memorialist believes these endowments were made in consequence of its being felt that the Glebe set apart were secured to her by every principle of good faith, and would become her property.

That your Memorialist, therefore, lays before your Excellency in Council, his claims for redress, and prays that if the question be not considered one in which the Executive in this country can interfere, that the sale of these Glebe lots may be stayed until the pleasure of Her Majesty can be ascertained upon the subject.

(Signed,) S. S. STRONG.

Bytown, February 4, 1846

COPY OF MINUTE OF EXECUTIVE COUNCIL.

IN COUNCIL, 12th March, 1840.

Benjamin Rathwell, under whom the Petitioner claims, does not appear to have been promised any lease for the lot or to have had any--(here a word occurs illegible) ordered for him--he would not have been per-

(116)

mitted to lease two reserve lots at the same time if his application had been regular.

The application and the lease ordered were but for one lot of land, and although the Petitioner's improvements, made under the false impression that he purchased the land from a person who leased it, might be considered in his favor, if the lot were free from difficulty, they

cannot avail to invalidate an appropriation of land really vacant as to any right of occupation in all public departments.

(Signed,) R. B. SULLIVAN.

(57.) CROWN LAND DEPARTMENT.

Montreal, 12th February, 1846.

As regards Lot No. 18 in the 1st Con. of Gloucester, reference is requested to the Petition of William Hopkins and the Order in Council of the 18th November last, under which Order a sale of the lot has been made.

No. 17 was in like manner described as a Glebe, together with No. 18, and stayed by the Attorney General, and the Department is not aware that an exchange for No. 39 in 1st Conc. of Nepean had been authorised, as stated by the Reverend Petitioner; with regard to which lot reference is requested to the accompanying application of John Rochester with Report thereon of this date, No. 54.

(Signed,) T. BOUTHILLIER.

Extract from the proceedings in Council of the 19th May, 1836, approved by His Excellency the Lieutenant Governor.

The Presbyterians of Bytown, by Thomas M'Kay, praying that the Clergy Reserve lot, letter H, in Concession C. on the Rideau, in the Township of Nepean, may be granted as a Glebe to the Clergyman of the Church of Scotland at Bytown. Recommended, for the purpose mentioned in the Petitioner's application, provided that no other lot has been appropriated as a Glebe for the benefit of the Scotch Church at Bytown, and likewise on condition it is no longer required to be reserved for the Rideau Canal.

Certified,

E. PARENT,

Bytown, 4th February, 1838.

To the Civil Secretary,
Toronto.

SIR,

His Excellency the Lieutenant Governor on his late visit to this place having expressed himself favorable to the endowment of the Church here as a Rectory, and been pleased to think my wishes for the annexation of a Clergy Reserve near the Town proper, may I beg you to lay before His Excellency an inclosed letter from Major Bolton, certifying that it is not wanted for Government purposes, together with the copy of mine which elicited it, as in the event of the issuing of a patent I know of no other at all available for useful purposes but this Reserve and Lot 18, 1st Concession Gloucester, on the Ottawa, which latter is recommended to be set apart for the Rectory of Bytown in the schedule of Church Endowments returned in reply to the Governor's Message of April 12th, 1836. The other lot forming part of the proposed

endowment is, as appears in the Government Office, disposed of under Lease.

His Excellency having manifested a great desire for the promotion of the spiritual welfare of this place, I may perhaps be permitted to lay before him, at a future period, a statement of the difficulties under which our Church was built, the wants of an increasing population, and the utter impossibility which exists for the accommodation of the poor in so small a building, more especially whilst the only room provided for such a purpose is occupied by Her Majesty's Troops. These difficulties the inhabitants had hoped to have overcome, by a grant from Her Majesty's Government, or an allowance from the back rents of the Clergy Reserves, such a promise of aid having been held out to them during Sir John Colborne's administration in 1833.

Not a farthing, however, has the Government or Colony ever applied to the Minister or the Church, and it has even devolved on the people to support the Chaplain to the Troops, as well as to provide them a Chapel from their own resources, whilst many other Churches in the Province, both of the Establishment and Presbyterian faith, have been favoured with adequate salaries for their Ministers, as well as grants for their Churches.

I am, &c.

S. S. STRONG.

Copy of a Minute in Council, approved by His Excellency, the Lieutenant Governor, on the Petition of the Reverend S. S. Strong, praying that Lot number thirty-nine, in the first Concession of Nepean, may be granted as an endowment to the Church at Bytown.

IN COUNCIL, 1st November, 1838.

Were the question of the Rectories and Clergy Reserves set at rest, the Council see no great difficulty in the way of acceding to the prayer of the Petition; the person now in occupation of the Lot has no legal title, and his improvements appear to have been amply compensated by the timber which he is represented to have taken from the land; if the contrary should appear, he may be otherwise compensated. But the Council having hitherto abstained from any proceedings which could involve the Lieutenant Governor, personally, on the question of the endowments, respectfully recommend that all proceedings on the present Petition be stayed until the great question shall be settled; the Lot is, moreover, in the immediate neighbourhood of the Chaudière Falls, and may be required for public purposes, and it is, therefore, desirable that, until it be finally disposed of, no pledge shall be held out to any claimant.

WILLIAM H. LEE,
Confidential Clerk.

The Reverend S. S. STRONG,
Bytown.

Bytown, 21st December, 1838.

SIR,

Before I publish to the congregation under my charge, the Minute in

Council refusing the prayer of my late Petition, craving Government assistance for the Church at Bytown, I would respectfully solicit permission once more to place before His Excellency some of the extreme features marking the case of the Established Church in this place; features which, I know, carry with them to the minds of many persons, a decided conviction that they have been treated by the Government with undutiful neglect, if not punitive indifference.

Equitably entitled under the pledge given by the Government of Upper Canada, to the Society for Propagating the Gospel in Foreign parts, to an annual salary for their Minister, the claims of the Church in this respect have always been rejected. Whilst grants of money and sites for the erection of Churches of other denominations were freely made throughout the Province, Bytown was refused all assistance either in money or land; and so destitute is it of a resting place for its dead, as to be compelled, on the sufferance of the Engineer Officer in command, to inter them within the spot destined for military defences. And all this indifference to the just, not the exclusive, claims of the Established Church in Bytown, exists, whilst within its precincts

(117)

the Roman Catholics have received Government grants both in land and money; the Scotch Church the best Clergy Reserve in the neighbourhood, in addition to a handsome salary for its minister; and the Methodists, as forming part of the general body who receive Government assistance, have also been relieved.

Without reference to such an endowment as shall involve the Lieutenant Governor, personally, in the Clergy Reserve or Rectory question, (which, as it respects this place, I am content should abide the great general decision) I may, perhaps, be allowed to state my perfect inability to retain this Mission without I am granted land sufficient for the erection of a Parsonage and the maintenance of a horse. At present, from undertaking the Cure of Bytown, I am compelled to pay half of the stipend which I receive from the Society for my Lower Canada Mission, for a House without even a Garden.

Should my present application for a portion of the Clergy Reserve, already petitioned for, to be applied to such purposes, be granted upon a simple tenure without reference to the Rectory endowments, into which it could merge; should the settlement of the general question prove favourable, I should perhaps be enabled to erect a house, relieve myself of a large portion of my expenditure, and retain my Mission: but if this application should be unseccessful, no alternative will remain to me, but one which I shall very reluctantly assume, viz., the resignation of my Mission; an alternative already laid before the Lord Bishop of the Diocese, as probable.

Before submitting the minute in Council to my Congregation, I cannot but hope that the apparent indifference which it betrays to the establishment here, may be modified by a favourable reconsideration of the Petition, and an order entitling the members of the Church of England to at least the same as has been ceded to the Scotch Church. It

will be impossible, under any other decision, for the Ministers or Congregation of Bytown to consider themselves as equitably treated; indeed, a negative to their claims will amount to a political censure for their honest adherence to the Church of England.

I am, Sir,
Your obedient Servant,
S. S. STRONG,
Rector of Bytown.

TO JOHN MACAULAY, Esquire,
Civil Secretary, Toronto,
Upper Canada.

Copy of a Report of the Executive Council of the 21st instant, approved by His Excellency, the Lieutenant Governor, on the letter of the Reverend S. S. Strong.

The Executive Council have perused and considered the renewed application of the Reverend Mr. Strong for a portion of a Clergy Reserve, in the neighbourhood of Bytown, to be applied to the use of the parsonage at that place.

The Act of Parliament, 31st Geo. III. Cap. 31, distinctly points out the manner in which the Church of England is to be endowed; and the Council respectfully conceive that an appropriation of land in a different manner, pending the present discussion of the Clergy Reserve question, would, instead of being beneficial, prove highly detrimental to the interests of the church.

The legal question raised respecting the sufficiency of the instructions under which the 57 Rectories were founded, caused the Government to forbear making any further endowments, until a final settlement of the disputed point should enable it to do so, without giving rise to renewed complaints on the part of those who disputed the validity of the instructions.

When, from the documents before them, Her Majesty's Law Officers were led to the opinion that the instructions were insufficient; the Secretary of State for the Colonies directed proceedings to repeal the grants; it was then open to Her Majesty's Government, if it saw fit, to have confirmed the institution of the Rectories by new letters patent, but such a course seems not to have been considered advisable.

When, upon inspection of new documents, Her Majesty's Law Officers reported the institution of the Rectories lawful--the Government still considered the question open for legal adjudication, and recommended that it should be tried by appeal to the Court of ultimate resort in England; and no instructions have been since received, either for the confirmation of the old Rectories, or for the erection of new ones.

The general instructions and the terms of the Royal Commission may, no doubt, be held sufficient authority for the creation of New Rectories, but it would not be consistent with the offer to try the validity of the institution of the 57 Rectories--and the absence of all orders to confirm them,--to assume that it is the actual desire of Her Majesty's Government that new Rectories should be at present endowed;

on the contrary, it appears to the Council to be the wishes of Her Majesty's Ministers, to leave the whole matter as it stands at present, until it shall be finally disposed of upon general principles.

As regards appropriations made to other Churches or Congregations, the Council beg to observe, that none of these could legally be made of Clergy Reserve land, as such; the land in such cases was intended to be withdrawn from the Clergy Reserves, and granted as Crown Lands, other Crown Lands of equal value being assigned in lieu as Clergy Reserves.

The granting lands for these purposes has, for a long time ceased, and the law at present does not allow of free grants for any purpose, unless the claimants be entitled under former orders of Council, or regulations of the Government.

The Council trust that these remarks will shew Your Excellency that, in declining to advise Your Excellency to accede to the prayer of the petitioner, the Council has proceeded altogether from a desire to avoid any further difficulty or embarrassment to this Government, and that in fact there was scarcely room for choice or discretion in the course to be pursued.

WILLIAM H. LEE,
Acting C. E. C.

(Copy.)
To the Honourable DENIS B. PAPINEAU,
Commissioner of Crown Lands,
&c. &c. &c.

The Petition of John Rochester, of Bytown, in the District of Dalhousie,

MOST HUMBLY SHEWETH:

That your petitioner, in the year 1836, purchased from Mr. Isaac Firth, of Bytown, Lot No. 39, 1st Concession, and 39 on the broken front in the Township of Nepean, for which he paid £60, currency, which are Clergy Reserves. The said lots were granted by His Excellency, Sir P. Maitland to Mr. Firth, in 1824, who was from time to time assured by Major Hillier, the Secretary to the then Governor, that a Patent might be expected for the same.

That the said Isaac Firth made repeated subsequent applications to the Crown Land Department, accompained by the necessary documents for a Patent, who was on every occasion encouraged to believe he would receive one, but from the difficulties which arose respecting the settlement of the Clergy Reserves, it was deferred.

(118)

That your petitioner, on the faith of those assurances from the Government, has incurred a great expense in erecting dwelling houses and other buildings, both upon the broken front and on the lot where he now resides with his family, and had never for a moment entertained a single doubt of his remaining in the peaceable possession thereof.

That your petitioner has reason to believe that one of the Commissioners, who inspected the lots from a personal and sinister motive, wishes

to have the broken front detached from the other part of the land, of which it constitutes an integral part. Your petitioner will be able to prove the assertions above alluded to by the clearest testimony; in the event of your petitioner losing the broken front, he would be completely cut off from his water privileges, thus rendering the remainder comparatively of little value, there being on the whole not more than 25 acres of good land. Your petitioner therefore most humbly begs that Your Honour will be graciously pleased not to sanction the dissevering of said broken front from the lot of which it originally formed, and still continues to form, an integral part, until a fair and open investigation takes place.

Your petitioner makes this application to Your Honour, knowing from universal report that your motives are just and equitable, wishing to see justice done in all cases that come before you.

All which is respectfully submitted.

(Signed,) JOHN ROCHESTER.

This is to certify that I sold to John Rochester, of Nepean, in April, 1836, all my privileges in Lot No. 39 and its broken front in the 1st Concession Ottawa front, in Nepean, for the sum of sixty pounds, which amount he paid me duly.

Said lot was given me possession of by Sir Peregrine Maitland, in the beginning of 1824, through Major Hillier, which lot and broken front I enjoyed uninterrupted possession of, until I let Mr. Rochester have it.

(Signed,) ISAAC FIRTH.

CROWN LAND DEPARTMENT,
Montreal, 12th February, 1846.

As regards Lot No. 39, in 1st Concession Nepean, reference is requested to the Memorial of the Reverend S. S. Strong, reported on this day, as well as to the proceedings in Council, 3d February, 1834, on the Petition of Isaac Firth.

The lot, by the recent inspection, is reported to be in the occupation of John Rochester, with 30 acres improved; and should Your Excellency consider the claim advanced by the Reverend Mr. Strong invalid, I would recommend that Mr. Rochester be allowed to purchase at the valuation (50s. per acre) under the present regulations, upon paying back rent since the occupation of Isaac Firth, (in 1823,) from whom he purchased the possession, with the exception of the south part, (44 acres,) required by the Ordnance Department for the Rideau Canal.

The broken front, intervening between the above and the River Ottawa, is also a Clergy Reserve, containing about 76 acres, reported to have but three acres improved thereon, and having been in dispute between Daniel M'Laughlin and John Rochester, as well as other applications for the purchase, and as it immediately adjoins Bytown, I would suggest that it be offered at auction, at the upset price of 40s. per acre, with the exception of one or two acres required for public purposes, by letter of 22d ultimo from the Board of Works.

It is presumed that as the land is set apart for the Clergy, both the Ordnance Department and Board of Works will be required to pay for the quantity reserved by them.

(Signed,) T. BOUTHILLIER.

In Committee, February 17th, 1846.

The Committee recommend that John Rochester be allowed to purchase, under the present regulation, Clergy Reserve Lot No. 39 (with the exception of what has been taken by the Board of Ordnance) upon payment of the back rent since 1823, and that Crown Land of an equal value to the quantity taken by the Ordnance be set apart and sold on account of the Clergy fund. Further, that the broken front be also sold to John Rochester at the valuation of 40s. per acre, according to the 25th section of the Land Act. And lastly, that if any vacant Crown Land exists in the neighbourhood of Bytown, (excepting Lot Letter O,) a free grant of ten acres thereof be made to the Episcopal Church of Bytown, if desirable, for the erection of a new church, parsonage house, burial ground, &c.

Approved in Council, February 18th, 1846.

Extract from the proceedings in Council of the 3d February, 1834, approved by His Excellency, the Lieutenant Governor.

On the Petition of Isaac Firth, stating that he was put in possession of part of Clergy Lot No. 39, in the 1st Concession on the Ottawa, in the Township of Nepean, by Major Elliot; that he has made considerable improvements thereon, and praying that he may be granted a lease for said lot.

Not recommended.

Certified.

E. PARENT.

(Copy.)

To His Excellency the Right Honourable Charles Theophilus, Baron Metcalfe, of Fernhill, in the County of Berks, Knight, Grand Cross of the Most Honourable Order of the Bath, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c., &c., &c.

The Petition of the undersigned, of the Township of Gloucester, in the Dalhousie District, and Province of Canada West,

HUMBLY SHEWETH:

That your Petitioner settled on Lot number eighteen, in the first Concession on the Ottawa, of the said Township of Gloucester, about seven years ago, and has been living thereon ever since, and has also made improvements and buildings on the said Lot, and is anxious to purchase it, the said Lot being a Clergy Reserve.

Your Petitioner would beg to state, that the quality of the land is so very inferior, that he cannot think it worth more than seven shillings

and sixpence per acre; but being informed that it cannot be sold for less than eight shillings per acre, on account of his improvements on the Lot, and rather than lose all, he is willing to give that for it.

Your Petitioner, therefore, most humbly requests, that your Excellency will cause an Order to be issued, to enable your Petitioner to purchase the said Lot.

And your Petitioner, as in duty bound, will ever pray.

(Signed,) *WILLIAM HOPKINS.*

Bytown, 10th September, 1845.

641.

CROWN LAND DEPARTMENT,
Montreal, November 6th, 1845.

The Petitioner appears to have made an application for this Lot, by Petition, in 1841, upon which no definite action was taken; and reference is requested to the Petition of Benjamin Rathwell, which was before the Council on the 12th March, 1840.

(119)

The Lot in question was set apart as a Glebe, by Order in Council of the 15th January, 1836, and appears to have been described for Patent. The Patent, however, was not completed, having been stayed by the Attorney General.

It was not included in the general inspection of the Clergy Reserves, and by the accompanying certificate of Mr. Deputy Surveyor, Robert Bell, the Petitioner has 40 acres cleared thereon.

(Signed) *D. B. PAPINEAU.*

I do hereby certify that I have examined lot number eighteen, in the first Concession on the Ottawa River, Township of Gloucester, in the Dalhousie District, (Canada West.) That William Hopkins is settled on the said lot, and is the only person settled, or having any improvements thereon. That on it there is about forty acres cleared, about twenty acres hard wood unimproved, a few acres, about six, mixed timber, (ash, hemlock, and cedar.) The remainder is a swamp, covered closely with a small growth of green timber, chiefly tamarack and cedar.

The buildings on the lot are a log-house, eighteen by twenty-four feet, one story high; a log-barn, twenty-eight by forty-five feet, and two small outhouses. There is a new house of sided timber commenced, it is twenty-four by twenty-seven feet, the walls are raised eight logs high, and stand so. The said buildings and improvements are all on the rear end of the lot, excepting a few acres of the improved land, (which is good,) the quality of the soil is inferior, in some places the rock is but thinly covered. When in a state of nature, the value of the said lot was about seven shillings and sixpence per acre. The said William Hopkins, I believe, has been on the lot about seven years.

Given under my hand at Gloucester, this tenth day of September, 1845.

(Signed) ROBERT BEEL,
Deputy Provincial Surveyor

IN COMMITTEE, 14th November, 1845.

The Committee recommend Petitioner for purchase, at eight shillings per acre.

Approved in Council,
18th November, 1845.

Cullers and Inspectors of Timber, (Quebec.)

Mr. Chabot, from the Select Committee to which was referred the Petition of Roderick M'Gillis and others, Cullers, and Inspectors of Timber, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

Report.

Your Committee have inquired into the merits of the said Petition, and beg leave to recommend that the prayer thereof should be granted.

Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to incorporate "the Quebec Culler's Benevolent Society."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-eighth instant.

Middlesex Election.

Mr. Dickson, Chairman of the Select Committee appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament reported, that he was directed by the said Committee to lay before the House a letter from William Horton, Esquire, Chairman of the Commissioners appointed to take evidence in the matter of the said Election which accompanied the Return made by the said Commissioners.

The said letter is as follows:--

London, 8th April, 1846.

SIR,

I have the honour to transmit to you, herewith, the Copy of Minutes and Evidence taken by the Commissioners, to take Evidence in the case of the contested Election for Middlesex.

Those papers should have been forwarded at the commencement of the Session, but Mr. Warren, one of the Commissioners, and myself, were of opinion, that we would be ordered again to proceed in taking further evidence, in consequence of having only received evidence in the case of two or three of the Townships.

We thought it probable such an order, or an order to transmit the Minutes of Evidence, would reach us about the 7th instant.

That acting upon that supposition, we deemed it advisable to adjourn the said Commission to London, to be holden upon that day, and immedi-

ately thereafter to transmit the Minutes and Evidence according to the provisions of the Act, in the event of our not being ordered to proceed in taking evidence.

I have now the honour of forwarding the same, certified, according to the provisions of the Act, 8th Geo. 4th, chap. 5, sec. 6.

I have the honour to be,
Sir,
Your most obedient Servant,

W. HORTON.
Chairman of the Com.

To the Honourable Sir ALLAN MACNAB,
Speaker of the Legislative Assembly,
of the Province of Canada.

MR. AYLWIN[10]--Moved for the reading of the order of the House, directing Thomas Warren and others, to appear at the bar.[11]

(119)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Taché,

Entry in Journal read.

Ordered, That the Entry in the Journals of this House, of the thirty-first day of March last, "That William Horton, of the Town of London, Esquire; George S. Tiffany, of the Town of Hamilton, Esquire; and Thomas D. Warren, of the Village of St. Thomas, Esquire, Commissioners appointed to take evidence in the matter of the contested Election for the County of Middlesex, having been guilty of neglect in not returning the Commission issued by the Order of the House, be summoned to appear at the Bar of this House, and that they bear the expense of the summons," be now read.

The said Entry was read accordingly.

He, MR. AYLWIN, felt himself called upon to read a letter he held in his hand from the above mentioned persons (Commissioners on the Middlesex contested election) informing the House that the papers connected with this case should be forwarded to the House at the opening of the session. But that had not been done; notwithstanding fourteen months had elapsed from the time of the appointment of the commissioners; still no satisfactory answer had been made. An order had since been issued, directing the attention of those gentlemen at the bar, to which no attention had been paid, although nineteen or twenty days should be quite sufficient to enable them to present themselves at the bar, if the order of the House had been communicated to them, as he took it for granted it was. He therefore felt himself bound to pursue a course which he had been dissuaded from by the clemency of hon. gentlemen at an earlier period, and in order to prevent the privileges and dignity of the House from being trampled on, would move that the Sergeant at Arms be directed to take those gentlemen into custody.[12]

(119)

The Honourable Mr. Aylwin moved, seconded by Mr. Taché, That William

Horton, of the Town of London, Esquire, and Thomas D. Warren, of the Village of St. Thomas, Esquire, be taken into the custody of the Sergeant-at-Arms attending this House, or his Deputy.

MR. JOHNSTON said, if ever there was an arbitrary motion, it was that just made by the hon. member for Quebec, and he was convinced that the House would not consent to it. He supposed the hon. member's next step would be an action for imprisonment; but if he went so far, recent events would show that Colonial Legislatures had not that power, as he was prepared to prove.[13]

MR. HALE, considered it very indelicate of the hon. member for Quebec to introduce this motion without having previously given notice, more especially when several of the friends of those gentlemen were at that moment out of the House. (Oh, oh)[14]

MR. AYLWIN insisted that his motion was correct, there was no notice required, and he was prepared to stand by it.[15]

MR. HALE, had not intimated that the motion was incorrect. He had said it was indelicate of the hon. member, and he said so still. He would wish to know ... however, whether there was any proof that the sum-= mons had been served on those persons. (Hear, hear.)[16]

MR. DICKSON--On the part of the Committee replied, that there was no evidence before it which would show that the summons had been served. He was of opinion, however, that a sufficient space of time had elapsed for those gentlement (sic) to present themselves at the bar, and fully concurred with the hon. member for Quebec, that the dignity of this House should be upheld.[17]

MR. BALDWIN said, a summons of the House was not in the nature of a writ, not requiring evidence that it had been served. From the time at which the letter containing the order of the House had been posted, he could not doubt in his own mind that it had been received sufficiently early for those gentlemen to be now in Montreal. And as the order had not been obeyed, he conceived there could be no difference of opinion as to the course the hon. member should take.[18]

MR. AT. GEN. DRAPER--Expressed his concurrence in the motion.[19]

(119)

Mr. Hale moved, seconded by Mr. Riddell, That the further consideration of the said motion be postponed until Wednesday next.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Christie, Colville, Cummings, DeBleury, Duggan, Ermatinger, Foster, Hale, Johnston, LeBoutillier, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Merritt, Meyers, Murney, Riddell, Roblin, Stewart of BYTOWN, Stewart of PRESCOTT, Webster, Williams, and

Woods.--(25.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cayley, Chabot, Chauveau, Daly, Desaunier, DeWitt, Dickson, Attorney General Draper, Hall, Lacoste, LaFontaine, Lantier, Laterrière, LeMoine, Leslie, Macdonell of STORMONT, Méthot, Moffatt, Papineau, Powell, Price,

(120)

Robinson, Scott, Attorney General Smith, Smith of WENTWORTH, Solicitor General Taschereau, Thompson, and Viger.--(34.)

So it passed in the negative.

The question being then put on the main motion, it was agreed to unanimously, and

Ordered, Accordingly.

Member added to a Committee. — Ordered, That Mr. Powell be added to the Select Committee to which was referred the Petition of the Reverend David Leavitt and others, ministers and members of the Christian Universalist Association of Canada West, and another reference.

Petition to be Printed. — Ordered, That one hundred copies of each of the Petitions of Edward M'Naughton and others, of Ste. Anne, Ste. Geneviève, and Pointe Claire, and of the Honourable R. U. Harwood and others, of Vaudreuil, be printed for the use of the Members of this House.

On motion of Mr. Chabot, seconded by the Honourable Mr. Aylwin,

Private Bills. — Ordered, That the time for bringing in Private Bills be extended until Monday, the twenty-seventh instant.

Cornwall Incorporation Bill. — Ordered, That Mr. Macdonald of Cornwall have leave to bring in a Bill to amend the Act of Incorporation of the Town of Cornwall, and to establish a Town Council therein in lieu of a Police.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

"Les Dames Religieuses de Notre Dame du Bon Pasteur" Bill. — Ordered, That Mr. Leslie have leave to bring in a Bill to incorporate "Les Dames Religieuses de Notre Dame du Bon Pasteur," at Montreal, for the care and reformation of Female Penitents.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

On motion of Mr. Merritt, seconded by Mr. Thompson,

Address for return of Provincial Revenue.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to direct the Inspector General to lay before this House, a Return of the Receipt and Expenditure of the Provincial Revenue, specifying the sources from which received, and the amounts paid for each separate branch of the Public Service, for the years 1844 and 1845, divided under the following heads:--Amount of Public Debt and Interest paid thereon, Civil Government, Administration of Justice, Legislature, Pensions, Militia, Education, Agricultural Societies, Hospitals, and Charitable Institutions, Public Works, Maintenance of Light Houses, Emigration, Police, Miscellaneous Expenses.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

"La Banque des Marchands" Bill.

Ordered, That Mr. Leslie have leave to bring in a Bill to incorporate "La Banque des Marchands." He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Montreal Gas Bill.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to incorporate the Montreal Consumers' Gas Company.

He accordingly presented the said Bill to the House,[20]

He, MR. MOFFATT, said that the bill was to incorporate a Company with a capital of £30,000, held in 2,500 shares of £12 each. The Committee have reported that due and sufficient notice had not been given; now he begged to differ from the opinion of the Committee, the Company do not apply for any exclusive privilege, they only pray to be incorporated and to be allowed to open the streets, for this reason he did not think that the rule was applicable, if however, the petitioners have erred, he would crave the indulgence of the House on their behalf. He would beg to state that the Corporation of this city were aware of the application and had no objection; he had received a letter from the Mayor to that effect.[21]

MR. BALDWIN--asked who was the Mayor, as he believed there was some doubt on the subject.[22]

MR. MOFFATT--The Mayor in possession, Mr. Ferrier.[23]

(120)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Evidence before Commissioners, Bill.

Ordered, That the Honourable Mr. Papineau have leave to bring in a Bill, to empower Commissioners for enquiring into matters connected with the Public Business, to take evidence on oath.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-eighth instant.

Cobourg Incorporation Bill. Ordered, That Mr. Meyers have leave to bring in a Bill, to alter and amend the Act of Incorporation of the Town of Cobourg.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Messages from His Excellency. The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, delivered to Mr. Speaker, two Messages from His Excellency the Administrator of the Government, signed by His Excellency.[24]

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

CATHCART.

Halifax and Quebec Railroad. The Administrator of the Government transmits for the information of the Legislative Assembly, a copy of a Despatch from Her Majesty's Secretary of State, relating to the formation of a Railroad between Quebec and Halifax; also copies of Despatches from the Lieutenant Governors of Nova Scotia and New Brunswick, communicating Resolutions adopted by the Legislative Assemblies of those Provinces, in reference to the same important subject.

GOVERNMENT HOUSE,
20th April, 1846.

(Copy.)
No. 13.

DOWNING STREET,
3rd February, 1846.

MY LORD,

I have the honour to transmit to Your Lordship, for your information, the copy of a Despatch which I have addressed to the Lieutenant Governor of New Brunswick, in answer to communications which my predecessor, in this Office, had received from him respecting the formation of a Railroad, from Halifax to Quebec, through the Province under his Government.

I have, &c.
(Signed,) W. E. GLADSTONE.

Lieutenant General,
The Earl CATHCART, K.C.B.
&c., &c., &c.

(Copy.)
No. 4.

DOWNING STREET,
2nd February, 1846.

SIR,

I have received your Despatches of the numbers and dates enumerated in the margin, relative to the construction of a Railroad, which shall connect Halifax and other points in Nova Scotia, as well as the chief Towns of New Brunswick with Canada, by Quebec, and thus facilitate the

(121)

intercourse between Great Britain and all those Provinces. You will learn from my Circular Despatch, addressed to you by this mail, that my attention has been already directed to the important subject of Railway communications in the British Colonies, and you will readily conceive that, considering the magnitude of such undertakings, I find it necessary to use great caution, previously to sanctioning the adoption of any positive measures, so as to avoid the risk of exciting expectations which may not be realized. The remark which applies to proposed Railways in all Her Majesty's possessions abroad, is peculiarly appropriate to a project of the kind now under my notice, which is an enterprize of great importance, and possessing a commercial as well as a military character.

Her Majesty's Government are certainly disposed to view with great favour the present scheme, if it be under taken with an earnest intention on the part of the Provinces concerned, to provide adequate means for the purpose of carrying it into execution. But, I must distinctly observe to you that a very strong, and also a very peculiar case, must be made out to justify those Provinces in the expectation, that Her Majesty's Government would take upon themselves the responsibility of recommending the promotion of any such undertaking, whether in whole or in part, to Parliament, for assistance from the funds of this Country. Reliance must be placed in a great degree on private enterprize and capital, but up to the present time, I have very little knowledge, as to what is really to be expected from those sources, towards the formation of any Railway communication of the nature I have described. I am disposed to hope much may be ascertained from the proceedings of the Legislatures now in Session, as to the strength or weakness of the disposition which prevails in the respective Provinces to present Railway projects to the Assemblies. The form of the Bills, and the actual shape which such projects may assume, will necessarily improve any means of estimating their solidity.

In considering specially your Despatch No. 100, of the 13th November, and the valuable information which it contains from yourself and from Captain Owen, for which I request you will accept my thanks, I must acknowledge, that I am disposed to agree with you in thinking, that a line from the North Eastern point of Nova Scotia, keeping far from the Frontier of the United States, would be the most advantageous with reference to Imperial interests, and consequently would be the line which would have the best claim upon the countenance and aid of the Imperial Government.

If you should find that there is any disposition to entertain that route as a main line, into which collateral lines from Halifax, St. Johns,

or other points might run, I apprehend that it would be prudent to encourage the adoption of such a route, in preference to any other; but I must request you to understand that, in the present state of my information, I cannot hazard any positive opinion, nor give you any instructions which should overrule your own clear and decisive judgment, on any question that may arise with regard to the merits of different schemes.

I have, &c.

(Signed,) W. E. GLADSTONE.

Lieutenant Governor,
Sir W. COLEBROOKE.
&c. &c. &c.

GOVERNMENT HOUSE,
Halifax, 30th March, 1846.

MY LORD,

I have the honour to enclose, for Your Excellency's information, a copy of a set of Resolutions passed by the House of Assembly of Nova Scotia, on the 14th instant, in relation to the projected Railroad from the Atlantic, through Nova Scotia and New Brunswick, to Quebec and Montreal, by which Your Excellency will perceive that the Legislature of this Province, have authorized the expenditure of any necessary sum of money, for the purpose of exploring and ascertaining the best line of route for the proposed work within the bounds of this Colony, and that the House of Assembly express a hope, that some corresponding movement will be made by the Local Parliaments of New Brunswick and United Canada.

Your Excellency is already apprized, by my Despatch, No. 353, dated 17th November, addressed to Lord Stanley, of which I had the honour to send you a copy, of the very strong opinion I entertain, as to the benefits which would result to the whole of the British North American Colonies, from the carrying into effect of the contemplated scheme; and I shall therefore be much gratified, should Your Excellency, and the Legislature of Canada, deem it expedient to adopt a similar course with the Legislature of Nova Scotia, or to take any other steps calculated to advance the undertaking.

I have the honour to be, &c., &c.

(Signed,) FALKLAND.

The Right Honourable
Earl CATHCART,
&c., &c., &c.

(Copy.)

IN THE HOUSE OF ASSEMBLY,
14th March, 1846.

Whereas, the project of a Railroad, to be laid from some Port on the Southern shore of Nova Scotia to Quebec, has been the subject of earnest consideration during the past year, and as no doubt can be entertained

that the successful accomplishment of such an enterprise, would prove highly beneficial to the inhabitants of Her Majesty's North American Colonies, and be attended with important advantages of a National, as well as of a Provincial nature, it becomes proper to ascertain whether so great an enterprise can be achieved at a reasonable expense, and with a just prospect of commensurate return.

And whereas, in order that the Legislature of this Province, may be enabled to reach a sound conclusion on the subject, it is necessary that the examination of the Country, to the East and West of Halifax, with a view to determine the most appropriate location, and that surveys of such lines, as it may be found proper to define and describe, with full estimates, both of expense and probable income, should be made by competent persons.

Therefore Resolved, That His Excellency, the Lieutenant Governor, be respectfully requested to cause such examination, surveys and estimates to be made, during the ensuing season--and that this House will provide for the expense thereof within the limits of this Province, and to use his best endeavours to obtain the aid of Her Majesty's Government, towards carrying out the intention of this House, by furnishing qualified Engineers, and in such other way as may be practicable and proper--and that His Excellency be also respectfully requested, to correspond with His Excellency the Administrator of the Government in Canada, and His Excellency the Lieutenant Governor of New Brunswick, with a view to procure, if possible, the concurrent action of those Provinces, directed to a similar examination, surveys and estimates within their respective limits.

Resolved also, That this House so soon as it shall be assured that the said undertaking, can, with prudence and propriety, be entered upon, will pass and concur, in such Acts of Legislation for the incorporation of a Company as may be necessary and proper, and will then further consider in what other modes, and on what conditions, and to what extent

(122)

it will be proper, and within the means of the Legislature of Nova Scotia to grant Provincial assistance towards a scheme, the successful accomplishment of which, promises results of no ordinary magnitude to this Province, and Her Majesty's Dominions in North America.

Copy from the Journal.

J. WHIDDEN,
Clerk.

(Copy.)
No. 353.

GOVERNMENT HOUSE,
Halifax, November 17, 1845.

MY LORD,

I have the honour to acknowledge Your Lordship's Despatch No. 249, dated 21st September, being in reply to my Despatch No. 339, of the 19th August, in which I informed you, that I had received a Memorial from a body styling themselves the Promoters and Provisional Board of the Hali-

fax, Quebec and Montreal Railway Company, requesting that I would, in my capacity of Lieutenant Governor of Nova Scotia, take steps for their incorporation, and for securing to them certain exclusive facilities and advantages therein detailed.

I deemed the observations contained in Your Lordship's communication to be of so much importance, so well calculated to prevent the evils you deprecate, as likely to result from precipitate action in this matter, and at the same time, essentially to promote the ultimate success of the undertaking, should it turn out to be practicable, that I thought it my duty to promulgate them through the medium of the Provincial Press.

By the same Packet which brought the above, a second letter was addressed to me, by Mr. Bridges (who signs himself the Secretary to the Provisional Committee of the projected Railway), accompanied by a paper containing an account of certain proceedings which took place at a meeting of the said Committee, and in which I conceive my previous correspondence with that gentleman, to be very inaccurately described.

This paper, together with a copy of Mr. Bridges' letter, I herewith send, as well as two other papers, transmitted to me by the last mail, (the one purporting to be a prospectus of a Railway from Halifax to Quebec, by way of Fredericton, with a branch to St. Johns, in New Brunswick, to be undertaken by a company with a capital of no less than three million six hundred thousand pounds sterling, and the other the prospectus of a Railway from Halifax to Windsor, in Nova Scotia, to be constructed by apparently the same company, with a capital of two hundred thousand pounds,) and a copy of the letter in which they were enclosed.

These prospectuses, both marked "private," and said to have been so in England, were made public in this City, by Messrs. William and George R. Young, (who are named in them as Solicitors in Nova Scotia) to both Companies, and a meeting of Merchants and others was subsequently held, at which, as I am informed, much suspicion was thrown on the origin and management of the contemplated scheme in London. Opinion is therefore divided as to the character of the Company; but all parties appear to entertain the belief, that the construction of a Railroad from hence to Quebec and Montreal, by solvent parties, would lead to results highly conducive to the prosperity of the British North American Colonies.

Whether the (so-called) Halifax and Quebec Railway and Land Company, has been formed with the intention, or possess the adequate funds, to execute the gigantic project to carry out which, it has been ostensibly called into existence, Your Lordship has much greater facilities than I can command for ascertaining; but various facts, in relation to their proceedings, have come to my knowledge, with which I consider it imperative on me to make you acquainted.

The Attorney General of Nova Scotia found his name on the prospectus of the Halifax and Quebec Railway, as standing Counsel to the Company, without, as he assures me, having been in any manner consulted on the subject, either before or after his appointment; and I have read in the newspapers, a letter from Mr. T. C. Haliburton of Windsor, a Judge of the Supreme Court of this Province, whose name was put forth on the prospectus of the Railroad, between Halifax and Windsor, as a Member of the Provisional Committee, indignantly repudiating all connection

with the Company.

Mr. Robie, the Senior Member of the Executive, and President of the Legislative Council, and Mr. Jeffrey, the Collector of Customs, who has been twice Administrator of the Government of the Colony, during the absence of the Lieutenant Governors for the time being, both of whose names appear in the same prospectus, as Members of the same Committee, have written me a letter, a copy of which I forward, stating that their names have been introduced into it without their consent or knowledge, and without any communication ever having been made to them on the matter, and that they therefore decline serving; and I have likewise learned that other influential gentlemen here, whose names are inserted in the prospectuses as being connected with one or other scheme, have denied that they have ever sanctioned such insertion.

Such reckless conduct, in the unauthorized use of the names of some of the most respectable gentlemen in Nova Scotia, may very naturally inspire distrust, and deprive the Company, who profess themselves ready to achieve this vast enterprise, of the confidence of the community; but does not, I think, militate against the highly beneficial tendency or the practicability of the plan itself, to the success of which, provided it can be brought about, by proper and justifiable means, it appears to me that every wellwisher to British interests and dominion in North America, must be anxious to contribute, and which therefore, solicitous as I am for the future welfare of a Colony in which I have so long resided, I should deeply lament to see abandoned, for want of every exertion having been made to ascertain its feasibility, or from its having been undertaken by individuals, not endowed with sufficient weight and influence to effect its completion.

As the most sanguine advocates of this costly project do not appear to anticipate, that it can for some years to come produce the amount required to pay a fair rate of interest to the Shareholders, after the abstraction of the sum necessary to defray the large annual expenditure, which such a work will entail to keep it in repair, it becomes requisite to consider from what sources they (the Shareholders) may be guaranteed from any great loss, until the lapse of time shall have rendered the property a remunerating one, and it has been proposed to effect this through prospective grants, to be in force for a certain number of years, by the Local Legislatures of Nova Scotia, New Brunswick and United Canada, each Province to contribute to the whole sum granted in the proportion of its revenue; a hope is also indulged that, as the Mother Country would reap from the work all the advantages of direct communication with Quebec, contemplated by the long talked of Military Road through New Brunswick, which would then be no longer necessary, the British Government, provided the plan assume a practicable shape, and be proceeded with under proper auspices, may be induced to contribute

(123)

towards the completion of the former, some portion of the money which would have been expended in the latter route had it been constructed.

So deeply imbued am I with the conviction, both that the proposed

Railway will cost more than is generally supposed, and that the proceeds at the commencement will bear small proportion to the outlay which will have been incurred, that without I entertained the hope of a combined and spirited action on the part of the several Provincial Legislatures, I should look on the scheme as idle and visionary in the highest degree, if regarded as an investment of capital, likely to produce immediate profitable returns.

As, however, I cannot but feel persuaded that the Local Legislatures will be sufficiently alive to the great benefits which would accrue from the accomplishment of this grand design, to be willing to endeavour to place it on such a footing that European capitalists may be enabled to co-operate in its promotion with safety, I am desirous of affording to the Parliament of Nova Scotia, at its next meeting, all the information likely to forward such an attempt; and I would therefore request Your Lordship to be good enough to interest yourself to procure from the Ordnance Department copies of any surveys which have been made in the Provinces of New Brunswick or Canada, with a view to the formation of the Military Road above alluded to, or any other topographical data which may exist likely to facilitate the object I have in view.

The step, however, which appears to me to be of primary importance, and to demand immediate attention, is the conducting of an accurate survey, for ascertaining the practicability of the plan, and for the selection of the best route.

The importance of the ultimate object is so great, both to the Mother Country and the Colonies, that I trust Your Lordship will deem this preparatory measure to be worthy of Imperial assistance, and I am therefore induced to ask you, whether Her Majesty's Government would be disposed to send out competent Military or Civil Engineers to conduct such survey, either at the expense of the British or of the Colonial Governments, as Your Lordship may deem proper.

Such a measure would engage confidence, both in England and the Colonies, and preclude the risk which would attend unsound or inadequate information on this essential part of the undertaking.

As it is my intention to communicate with the Governor General, and Sir William Colebrooke on this topic, I should wish to know if any reasonable hope might be entertained that, should the three Colonies unite in pledging a portion of their revenues for the interest and gradual repayment of the principal of the money advanced, any assistance would be afforded them on the same terms as those on which aid was extended to Canada, in the cases of the Rideau, Beauharnois and Welland Canals, or more direct succour from the Imperial Treasury upon the like security.

I have already intimated my opinion, that if a Company were to be incorporated under the name of the Halifax and Quebec Railway, or any other similar denomination, it were better that it should be done by an Act of the Imperial Parliament, but as it may be deemed expedient to introduce an Act for the incorporation of some such body here in the approaching Session, I should be much obliged, by your Lordship's instructing me as to the nature of the guarantees and provisions, which it may be right to insert for the protection of the Stockholders and

the Public.

The immense political advantages that would attend the satisfactory completion of the proposed Railway must be so apparent to Your Lordship, as to make any detailed reference to them on my part alike unnecessary and obtrusive, and I will therefore trespass on your attention no longer, than to solicit an early answer to this communication.

I have, &c.

(Signed,) *FALKLAND.*

The Right Honourable
Lord STANLEY.

(Copy.)

FREDERICTON, 3d April, 1846.

MY LORD,

I have the honour to enclose to Your Lordship, the copy of an Address passed by the House of Assembly, of this Province, with a series of Resolutions, pledging the support of the House to Her Majesty's Government, in the construction of a Railway, to connect the Provinces of Canada, New Brunswick, and Nova Scotia.

I have, &c.

(Signed,) *W. M. G. COLEBROOKE.*

His Excellency, Lieutenant General,
The Earl CATHCART, K.C.B.
&c. &c. &c.

NEW BRUNSWICK,
House of Assembly, April 3d, 1846.

Resolved, That copies of the Resolutions, passed yesterday, on the subject of a Railway, to connect the British Colonies on this Continent, be furnished His Excellency, the Lieutenant Governor, and that an humble Address be presented to His Excellency, praying that His Excellency will be pleased to transmit the same to Her Majesty's Government, as well as to the Right Honourable the Governor General of Canada, and the Lieutenant Governor of Nova Scotia.

(Signed,) *CHS. P. WETMORE,*
Clerk.

NEW BRUNSWICK,
House of Assembly, April 2nd, 1846.

First--Resolved, That nothing would tend more to advance the prosperity of the British Colonies on this Continent, to cement their union, and preserve their integrity as valuable appendages of the Crown, than a Railway connecting the Provinces of Canada, Nova Scotia and New Brunswick.

Second--Resolved, That this House confidently looks to Her Majesty's Government for its parental aid towards this great national project.

Third--Resolved, That this House, viewing the establishment of such Railway as a measure of the greatest importance to these Colonies, both politically and commercially, will not be behind-hand with their fellow-subjects, the people of Canada and Nova Scotia, in making such provision, both from the Public Funds and Lands, as the resources of the Province will warrant.

(Signed,) CHS. P. WETMORE,
Clerk.

CATHCART.

New Brunswick Boundary Line.

3d April, 1846.

The Administrator of the Government has within the last few days received from the Lieutenant Governor of New Brunswick a Despatch relating to the Boundary Line between that Province and Canada, which he hastens to communicate for the information of the Legislative Assembly.

Although the question has been submitted for the decision of the Imperial Government, in consequence of all attempts to adjust it satisfactorily be negociation between the two Provinces having failed, and the subject is still under the consideration of that authority with a view to its immediate settlement, the Administrator of the Government

(124)

conceives it to be right that the House should be made acquainted with the proceedings adopted by the Executive to protect the Territorial rights and interests of Canada, and these will be found explained in the additional Documents which the Administrator of the Government at the same time transmits for the information of the House.

(Report of Messrs. Draper and Papineau.)
(Sir Wm. Colebrooke to Earl Cathcart, 5th January.)
(Earl Cathcart to Sir Wm. Colebrooke, 16th January.)
(Ditto, Ditto, 2nd February.)
(Sir Wm. Colebrooke, 13th February.)

GOVERNMENT HOUSE,
20th April, 1846.

(Copy.)

FREDERICTON, April 3rd, 1846.

MY LORD,

I have the honour to enclose to Your Lordship, copies of two letters which I have received from the Commissioners, who have been employed by direction of Her Majesty's Government, in carrying into effect, at the public expense, the 4th article of the Treaty of Washington.

It was the duty of these gentlemen to adjudicate the claims of the parties, and to cause their lands to be surveyed, and having done so, I submit to Your Lordship, that any operations by other Surveyors, on the same lands, would only lead to embarrassment in the execution of the Treaty, without being productive of any advantage, for if the Terri-

tory, or any part of it, be ultimately assigned to Canada, authenticated transcripts of the Surveys and Reports of the Commissioners would be transmitted, on which the titles of the parties would be confirmed.

I take this opportunity of enclosing to Your Lordship, the copy of a Despatch, which I have lately addressed to the Secretary of State for the Colonies, with a Joint Address from the Legislative Council and Assembly, on the subject of the Boundary in dispute between the Provinces.

I have the honour to be, &c.

(Signed,) *W. M. G. COLEBROOKE.*

His Excellency Lieut. Gen.
the Right Hon. Earl CATHCART,
K.C.B., &c. &c. &c.

(Copy.)

FREDERICTON, 2nd April, 1846.

SIR,

We beg to acquaint you, for the information of His Excellency the Lieutenant Governor, that we have received intelligence of the arrival of two Surveyors from Canada, who are now employed in extending the Settlers' Lines on the River St. John, below the St. Francis, and on the Madawaska River between the Seigniory line and the Little Falls; both of which Tracts have already been surveyed under our direction, in the course of last season, as will appear by the Plans now in our possession.

We have, &c., &c.

J. A. MACLAUGHLAN,
JOHN C. ALLAN,
Commissioners.

The Hon. J. S. SAUNDERS,
Provincial Secretary.

(Copy.)

FREDERICTON, 3rd April, 1846.

SIR,

We have the honour to acknowledge the receipt of your letter of this day, requesting us to explain, for the information of His Excellency the Lieutenant Governor, the proceedings taken by us last season, in settling the claims of the Settlers under the Treaty of Washington; and, in reply thereto, beg to state, that upon receiving our appointment as Commissioners, in April last, we immediately proceeded to Madawaska, and caused public notice of our appointment and arrival to be given to the inhabitants, and requested all persons claiming lands, under the Treaty, to appear before us and state their claims. That in consequence of this notification, all persons having any claims to lands within the settlement, appeared before us, and were examined upon oath as to the validity of their respective claims--the nature and extent of their improvements,--and the original occupation of the land. We also required their statements to be confirmed by other evidence, in all cases which we considered at all doubtful, or where the person claiming the land was not the

first occupier; and in all conflicting claims between the Settlers, the evidence on both sides was fully heard, and the matter decided according to the best of our judgment, upon principles of justice and equity, and to the satisfaction of the parties in almost every instance.

We may also state, that the claims of each individual was separately adjudicated upon, and any evidence which he thought proper to produce in support of it, fully weighed and considered.

After having heard all the evidence, we proceeded to the land claimed by and in the occupation of the Settlers, and in presence of the parties established the boundaries between the lots and the courses of the dividing lines. This was followed up by a perfect and complete survey of each lot, under our direction, the side and rear lines being distinctly marked to prevent any collision between the respective occupiers; as will appear by the Plans which have been shown to His Excellency.

We have, &c., &c.,

J. A. MACLAUGHLAN,
JOHN C. ALLAN,
Commissioners.

The Hon. J. S. SAUNDERS,
Provincial Secretary.

(Copy.)

FREDERICTON, N. B.
February 27th, 1846.

SIR,

Since the departure of the Mail this day, a deputation from the Legislative Council and Assembly have waited on me, with a Joint Address to the Queen, herewith enclosed, which I have been requested to forward by Express, in order that it may reach Halifax in time for the Mail Packet.

The claim of the two Houses, that the Canadian Boundary, as defined by the Act of Parliament 14 Geo. III, chap. 83, appearing to be substantially just, I anticipated that it would be urged by them, and the objections to a River Boundary between contiguous States and Provinces have been so abundantly proved, as well as the advantage of adopting the highlands dividing the waters as in the Act in question, and the Treaty of 1783, that it ought to be adhered to as far as may be practicable.

The Canadian Goverrment having formed some settlements on the left Bank of the Ristigouche, would probably desire to preserve these, but a line drawn from the head of the River to meet the line of the American Boundary, on the St. Francis, would disturb none of those settlements, and the intersection of the southern part of the Temiscouata Seigniory, which is unsettled, would be attended with no inconvenience or prejudice to any party. I am therefore induced to hope that this line, which I proposed to Lord Metcalfe in January, 1844, may be the utmost limit of the concession made to Canada, in the settlement of the question, and that the intermediate Territory on the Frontier of the United States, may be settled by the people of this Province, who have

(125)

proved on so many occasions their devoted loyalty to the Crown, and the sacrifices they are prepared to make for its support, and for the preservation of British interests in this quarter.

I have, &c.

(Signed,) W. M. G. COLEBROOKE.

The Right Honourable,
W. E. GLADSTONE.

(Copy.)

To the Queen's Most Excellent Majesty.

The Joint and Humble Address of Her Majesty's Legislative Council, and House of Assembly, of the Province of New Brunswick, in General Assembly convened.

MAY IT PLEASE YOUR MAJESTY:

We, the Legislative Council and Assembly of New Brunswick, in Provincial Parliament assembled, beg leave to approach Your Majesty with renewed assurances of our devoted attachment to Your Majesty's Person and Government.

The occasion of this our humble and dutiful Address, is one of vital importance to the present and future interests of this Province; and confident in the justice of the claims now to be preferred for Your Majesty's Royal consideration, we cannot for a moment doubt the decision which Your Majesty will be graciously pleased to pronounce in the premises.

From the first erection of this Province into a separate Government, in the year 1785, down to the year 1842, the Territorial Rights, as well as the legal Jurisdiction of this Province, have been undisputed on the Upper Saint John, and its Tributaries, save by the American Government.

During the whole of that period, the Government of this Province exercised Jurisdiction over the said Territory, and the inhabitants residing thereon, in like manner as in other parts of the Province, viz: by granting lands, organizing Militia, appointing Magistrates and Parish officers, making roads and building bridges, relieving the poor, serving Writs and Process of every description, and granting Licenses to cut logs and timber; and even pending the dispute with the American Government, the accustomed Jurisdiction was retained by this Province, except in the disposal of lands and timber, which was suspended by agreement between the two nations.

Upon the Treaty of Washington being concluded, we reasonably supposed, that our accustomed jurisdiction would be continued without interruption, over the residue of the Territory; but to our astonishment we learned in 1843, that the Canadian Government for the first time, had asserted a right by selling logs and timber from the lands on the River St. Francis, and other Rivers and Streams in the vicinity.

Knowing that the Southern Boundary of Canada had been already defined by the Act of Parliament 14 Geo. III, cap. 83, and that by no possible construction of that Act, could its Southern Boundary be extended, to

include any of the Rivers flowing into the Main Saint John, and thence to the sea; we had hoped that the remonstrances of the Government of this Province, would at once have put an end to the unwarrantable claims of Canada, and prevented us from further interruption; but we regret to inform Your Majesty that in this respect we have been disappointed, and that at the present time, the two Provinces are exercising a conflicting jurisdiction over the same Territory.

The Province of Canada is described in the Royal Proclamation of 1763, and by the Act above referred to, as being "Bounded on the South by a line from "the Bay of Chaleurs along the Highlands, which divide the Rivers that fall into the River Saint Lawrence, from those which fall into the Sea, to a point in 45° of Northern latitude, on the eastern bank of the River Connecticut," and we entertain not the smallest doubt, that it will appear as clearly to Your Gracious Majesty, as it does to us, that no part of the Province of Canada can possible be situated on the Southern side of the line described with so much clearness in the said Act, and which can at any time be surveyed and marked upon the ground without difficulty.

Yet, notwithstanding the explicit language of the Act thus defining the Boundary, the Canadian Government now so far overstep the same, as to claim as their Southern Boundary, a line running from the mouth of Ristigouche River to Mars Hill, as indicated by the yellow line on the Map hereunto annexed; a claim which, if sustained, would deprive this Province of more than one quarter of its Territory.

Having brought under Your Majesty's notice the former occupation and jurisdiction of this Province, together with the Southern Boundary of Canada, as fixed by Act of Parliament, in contrast with the present claims of that Province, we would now respectfully submit for Your Royal consideration, the equitable, as well as legal right of this Province, to the Territory in question, arising out of the compact entered into between Your Majesty's late Royal Uncle, of revered and blessed memory, and the Legislature of this Province.

By the Provincial enactment 8th William IV, chap. 1, entitled "An Act for the support of the Civil Government of this Province," and the terms of which were settled by the Imperial Government before its enactment, it was provided, among other things, that the proceeds of all Sales and Leases of Crown Lands, Woods, Mines and Royalties, deducting the expenses of collection, should be paid over to the Provincial Treasury for the use of the Province, and in return therefor, the sum of fourteen thousand five hundred pounds currency, was charged upon all the Revenues of the Province, for the support of the Civil Government, which Act was afterwards made perpetual, and confirmed by Your Most Gracious Majesty in Council.

We would now humbly submit to Your Majesty's consideration, that at the time the said Act was passed, and the Civil List was guaranteed in perpetuity, we had no reason to apprehend that the line of boundary, as then claimed by the British Government, and disputed by the Government of the United States, would be abandoned, whereby a large extent of Territorial resources for defraying the Civil List would be lost to this Province.

We need not remind Your Majesty, that throughout the whole of the negociations with the United States, the Territory in question was claimed by Your Majesty's Government as a part of New Brunswick; nor did we ever learn that during that protracted dispute, any such claim was made, as is now set up by the Canadian Government.

Your Majesty's Government, however, in the exercise of its undoubted power, was pleased to concede to the American Government by the Treaty of Washington, at least three fifths of the Territory then in dispute; which embraced by far the most valuable portion thereof, both for Agricultural and Lumbering operations.

We assure Your Majesty, that although the loyal inhabitants of this Province were greatly disappointed by the terms of the said Treaty, they were unwilling to complain of a result, however injurious to their interests, seeing that it was confirmed by Your Majesty's Government, and approved of by the British Parliament, but when a neighbouring Colony now seeks to deprive us, not only of the residue of the said Territory, but of a large additional portion, the proceeds whereof have been transferred to us by a solemn compact with the Imperial Government, we can-

(126)

not but complain; and while we lay before Your Gracious Majesty at this time, our protest against the unwarranted encroachments of the Canadian Government, and their usurpation of our Territory, we assure Your Majesty that we entertain the most unshaken confidence in Your Royal judgment, and that the result of this, our humble and dutiful appeal, will afford the inhabitants of this truly British Province, another proof, that in the hands of Your Majesty, their rights and interests will ever be protected.

We, therefore, most humbly and dutifully implore Your Majesty, to order the line of Boundary in question, to be surveyed and marked out in the terms of the Act of Parliament, commencing at the Bay of Chaleurs, and thence, passing along between the Heads of the Rivers that fall into the River St. Lawrence, and those that fall into the Sea, to a point in the line of Boundary lately established by the Treaty of Washington; and also to secure to this Province, the quiet and peaceable possession of the whole of the Territory, lying on the Southern side of this line of Boundary, with all the privileges, profits and advantages now arising, or which may hereafter arise from the same.

(Signed,) WILLIAM BLACK,
President Legislative Council.

(Signed,) J. W. WELDON,
Speaker House of Assembly.

(Copy.)

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned have the honour to submit the following Report, on the subject of the Boundary Line, between the Provinces of Canada and New Brunswick; and of their conferences with the gentlemen named for this purpose by His Excellency Sir W. Colebrooke, at Fredericton, on

this subject; as well as in reference to granting Licenses to cut timber on the Territory in dispute, until the Boundary be determined.

It is necessary to refer to the Boundaries expressed in various public Documents, Commissions, &c.

The Royal Commission, appointing the Governor of Nova Scotia, dated 21st November, 1763, states the Boundaries of that Province thus, "To the northward our said Province shall be bounded by the Southern Boundary of our Province of Quebec, as far as the western extremity of the Baie des Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence, and to the westward, although our said Province hath anciently extended, and doth of right extend, as far as the River Pentagast or Penobscot, it shall be bounded by a line drawn from Cape Sable, across the entrance of the Bay of Fundy, to the mouth of the River Ste. Croix, by the said River to its source, and by a line drawn due north, from thence to the Southern Boundary of our Colony of Quebec."

The Proclamation of 1763 describes the Boundary of the Province of Quebec, thus, after running certain lines not affecting the matter in question, up to "the south end of the Lake Nipissing, from whence the said line crossing the River St. Lawrence and the Lake Champlain, in forty-five degrees of north latitude, passes along the Highlands which [illegible] from those which fall into the Sea, and also, along the north coast of the Baie des Chaleurs and the coast of the Gulf of St. Lawrence, to Cape Rosier."

The British Statute of 1774 thus designates the Boundary, the Territories, &c., "Bounded on the south, by a line from the Bay of Chaleurs, [illegible] into the St. Lawrence, from those which fall into the Sea, to a point into forty-five degrees of northern latitude, on the eastern bank of the River Connecticut."

The Treaty of 1783, between Great Britain and the United States of America, in defining this portion of the Boundary, between the two contracting parties, uses the following language:--

"From the northwest angle of Nova Scotia, viz.: that angle which is [illegible] to the Highlands, along the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northernmost head of the Connecticut River, thence down along the middle of that River, to the 45th degree of north latitude, east by a line to be drawn along the middle of the River Ste. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the Rivers that fall into the Atlantic Ocean, from those which fall into the River St. Lawrence."

The Boundaries of New Brunswick were, in 1784, defined in the Commission to the Governor of that Province, thus:--

"Bounded on the westward, by the mouth of the River Ste. Croix, by the said River to its source, and by a line drawn due north, from thence to the Southern Boundary of our Province of Quebec, to the northward by the said Boundary, as far as the western extremity of the Baie des Cha-

leurs; to the eastward by the said Baie and the Gulf of St. Lawrence, to the Bay called Baie Verte; to the south by line in the centre of the Bay of Fundy from said River to its source; and from thence by a due east line across the Isthmus, into the Baie Verte to join the eastern line above described."

A careful comparison and consideration of the foregoing descriptions brought us to the conclusion, that, on the part of the British Government, it was intended, that the language used should so define the limits as, that the Eastern Boundary of the United States, and the Western Boundary of, first, the Province of Nova Scotia, and afterwards of New Brunswick, should be identical, that each of them would go north so far as the north-west angle of Nova Scotia, when the Southern Boundary of the Province of Quebec would be reached, and consequently the limits of New Brunswick could not be extended either westward of a line to be drawn due north, from the source of the River Ste. Croix, or north of the range of Highlands, which would limit the United States Territory, and we thought it clear that the same range of Highlands was intended by the different phrases, "the Highlands which divide the Rivers that empty themselves into the River St. Lawrence from those which fall into the Sea," or "the said Highlands which divide those Rivers that empty themselves into the River St. Lawrence from those that fall into the Atlantic Ocean;" for New Brunswick was carved out of the Province of Nova Scotia. Its northern limit is defined by the same words as are used to define the northern limit of Nova Scotia, viz.: "the Southern Boundary of our Province of Quebec," the north-west angle of Nova Scotia, became the north-west angle of New Brunswick. That north-west angle was defined to be "that angle which is formed by a line drawn due north from the Ste. Croix River to the Highlands." The Province of Nova Scotia extended no further north than these Highlands, which therefore, as the Province of Nova Scotia was bounded on the north by the Province of Quebec, must have formed the Southern Boundary of Quebec.

When, therefore, Great Britain asserted a particular range of Highlands to be those constituting the Northern Boundary of the United States under the Treaty of 1783, she also, to the extent of the United

(127)

States frontier at all events, necessarily asserted those Highlands to be the Southern Boundary of Canada; and having acceded to a boundary to the northward of what she had contended was the true one, Canada cannot be the less entitled to treat the Boundary so agreed upon as hers also; in other words, to continue conterminous with the United States as far eastward as the line due north from the source of the Ste. Croix. The adoption of a conventional line between Great Britain and the United States, by which a portion of the Territory included within the former limits of Canada, and therefore pro tanto, at the expense of Canada, was given up, could not affect the rightful claim of that Province as far south as that conventional line.

If, then, Great Britain rightly asserted the range of Highlands by which the north-west angle of Nova Scotia was formed, was to be found at Mars Hill, then it would necessarily follow that the same range formed the Southern Boundary of the Province of Quebec, which must then be

traced from Mars Hill to the westernmost extremity of the Baie des Chaleurs. This line would deprive New Brunswick of Territory which she has long possessed, and her right to which has in some degree been recognized by Canada, as well as by the British Government.

On the other hand, the United States insisted that the north-west angle of Nova Soctia was formed by a range of Highlands nearer the St. Lawrence, the same range which New Brunswick now contends for. This line would deprive Canada of Territory which she has long possessed, both under the French and English Governments, and her right to which has in some degree been recognized by New Brunswick, as well as by the British Government.

It would, we believe, be found impossible to find in either of these ranges a literal compliance with the Proclamation of 1763, and the Act of 1774.

The words of the Proclamation, "the Highlands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea, and also along the north shore of the Baie des Chaleurs," do not certainly appear to contemplate crossing the Baie des Chaleurs, in order to arrive at a range of Highlands on the south side of the Bay, though the distance across by only a few miles, and yet this must be done to reach the Highlands which are connected with Mars Hill.

On the other hand, the words of the Act of 1774, "Bounded on the south by a line from the Baie des Chaleurs along the Highlands which divide the Rivers that empty themselves," &c., would never be supposed to have been intended to direct that from the Baie des Chaleurs a line should be run in a direction almost north for a distance of from thirty-five to forty miles ere the commencement of the southern Boundary of Quebec could be found, for this line from the Baie des Chaleurs to the Highlands would form a western and not a Southern Boundary for the Province of Canada.

While, therefore, we are of opinion that the same Highlands which formed the Northern Boundary of the United States and the Southern Boundary of Canada were also in their continuation intended to divide Canada and New Brunswick, we are compelled to admit that these Highlands, as they exist, do not fulfil what evidently was anticipated by the framers of the Proclamation of 1763, and the Statute of 1774, and while we insist that the range contended for by Great Britain was the true line of division, we are fully aware that its exact course and termination was erroneously assumed, and have consequently been erroneously described.

If, then, neither one nor other of these ranges will fulfil all the terms of the Proclamation and Statute, we are driven to enquire whether the intention of the British Government is so evinced by the language used in these instruments as to afford the means of arriving at a conclusion in what direction this line of division was really intended to be run. Now it appears to us unquestionable that from the Baie des Chaleurs, the southern Boundary of Quebec, was to commence, according to the Statute; the words "Bounded on the south by a line from the Baie des Chaleurs along the Highlands," appear to admit of no other construction. The words of the Proclamation, though not making the Baie des Chaleurs

the point of commencement, appear to us equally to make it in connection with and continuation of the Highlands named the Southern Boundary of that Province; the words are, "along the Highlands which divide the Rivers, &c., and also along the north coast of the Baie des Chaleurs." It seems to us a very forced construction to treat these words as meaning "along the Highlands which divide, &c., unto the termination thereof, and thence southerly to the western extremity of the Baie des Chaleurs, and also along the north coast," &c. To this construction New Brunswick necessarily resorts, in claiming the Highlands nearest the St. Lawrence as her Northern Boundary.

We abstain purposely from the discussion of the arguments arising on the words, "Rivers that empty themselves into the River St. Lawrence, and those which fall into the Sea." This subject was exhausted in the controversy between Great Britain and the United States. We have not overlooked the difference of the languages in the Treaty of 1783, and all the other documents we have referred to; nor omitted to notice that the former contains the words, "which fall into the Atlantic Ocean," while in all the others we find, "which fall into the Sea." We treat them as synonymous, and think ourselves warranted in so doing, by the reasons on which our first conclusion respecting the prolongation of the line of Boundary, between Canada and the United States, in order to ascertain the line between Canada and New Brunswick, are founded.

We think, then, that the language used, and before quoted, justifies us in considering it to have been the intention of those by whom it was used, that from the Baie des Chaleurs, a line was to run in a westerly direction, until it intersected the line drawn due north from the source of the Ste. Croix; such a line must evidently commence on the north side of the Bay, and from the description of the Boundaries of Nova Scotia, and of those of New Brunswick, the point on the North Shore is to be at the western extremity of the Baie des Chaleurs; which western extremity had been pointed out in various grants from the Crown, and particularly in one dated in 1788, to John Shoolbred, Esquire. In the grants now referred to, the Crown both before and after 1763, treated the Province of Quebec as extending from this western extremity, along the River Ristigouche, and from this point for a considerable distance up the River, each Province has treated it as the Boundary between them. Canada, by the aforementioned grants of land, and in 1829, the erection of the County of Bonaventure, by a statute, New Brunswick having erected her County of Northumberland, as bounded on the north by the Baie des Chaleurs, and the Southern Boundary of the Province of Quebec, which would not represent its Boundary, according to the views now urged on her behalf, for the Baie des Chaleurs would be the Northerly Boundary only as far as its western extremity, and then the Province of Quebec would form an Easterly Boundary, for thirty miles and upwards, ere the Southern Boundary of the Province of Quebec would be arrived at.

(128)

It appeared, therefore, to us, that the line of the River Ristigouche had been adopted, to a certain extent at least, as that complying with the spirit and intention of the various public documents, and in consequence of its being impossible to find such a line of Highlands as would

fulfil all the conditions required.

The due north line to be drawn from the source of the Ste. Croix River, did not seem at first sight, likely to afford any difficulty as to the boundary on this side--the more especially, as the point of starting had been agreed upon between the Governments of Great Britain and the United States, and the line itself had been partially traced. It appears, nevertheless, that New Brunswick treated a considerable part of the Territory lying westward of the protraction of this north line as being within her limits, and has made settlements there, as well as disposed of the Timber growing thereon; we have found no reason whatever for supposing that in the first instance, New Brunswick [illegible] otherwise than under a full belief that the settlements made, and the jurisdiction exercised were upon, and over Territory, to the east of the due north line, for it cannot be denied that for a long time, it was believed that the source of the Ste. Croix, from which the due north line was to be run, was considerably to the westward of the point ultimately decided on, and no doubt, therefore, New Brunswick acted under this belief. From the time, however, that the due north line was actually established, we do not profess to understand upon what principle of right, the extension of those settlements and claim of jurisdiction could be maintained.

We have been particular in this explanation, in order that Your Excellency may understand the views we entertained, and which influenced our judgments in endeavouring to lay the foundation, in connection with the gentlemen appointed by His Excellency the Lieutenant Governor of New Brunswick, to confer with us, for determining the Boundary between the two Provinces.

These views may be thus recapitulated:--

1st. That it was the intention of Great Britain, that the Territory of the United States should be conterminous with the Province of Canada, from west to east, till the line, due north from the source of the River Ste. Croix, was reached.

2nd. That this due north line would be the Boundary between the United States and the Province of New Brunswick, till the Northern Boundary of the United States Territory was reached.

3rd. That at that point, it was not intended the Province of New Brunswick should extend directly north, but in a northerly and easterly direction along the assumed range of Highlands to the westernmost extremity of the Baie des Chaleurs.

4th. That the Territory of New Brunswick was not to extend to the westward of this due north line.

5th. That in the absence of Highlands, fulfilling these expressed intentions of Great Britain, in reference to the boundaries of her Colonies, the line of the River Ristigouche had been, for a certain distance, adopted by both Provinces, and that this line is, in fact, nearly in accordance with the intention of Great Britain, though confessedly at variance with the language used, as it does not pass along Highlands.

6th. That the respective settlements and jurisdiction, made and exercised by Canada, and New Brunswick on the opposite sides of the Ristigouche, and the settlements and jurisdiction, made and exercised under

an erroneous impression of right, to the westward of the due north line, rendered the adoption of a conventional line almost indispensable. No time was lost, on our arrival at Fredericton, in opening our conference with the two gentlemen named by His Excellency Sir William Colebrooke for that purpose.

It required a very short time to convince us that our views were irreconcileable. The suggestions on the part of New Brunswick for a conventional line, were based on an assumption of right we could not admit, for they treated, whatever land lay between their proposed line and the Highlands nearest the St. Lawrence, as so much given up by them, and for which they were to be compensated, by lands to the westward of the line due north from the source of the River Ste. Croix.

Their claim was twofold:--

1st. They insisted that the Southern Boundary of Canada, was to be found in the range of Highlands nearest the River St. Lawrence, the range contended for by the United States, as forming their Northern Boundary.

2nd. As to their Western Boundary, they claimed a right founded upon possession and enjoyment, and the exercise of various acts of jurisdiction, to the west of the due north line, and that Canada had not till lately, denied or disputed such right, or claimed any herself in this Territory; and they further urged, in connection with this branch of the subject, that even admitting the right of New Brunswick to the West of the due north line to be questionable, still it could not be questioned by Canada, because as her southern limit, according to their construction, was far to the north, and near the River St. Lawrence, she could not, under any circumstances, have any pretension to this Territory, or interfere with New Brunswick in her occupation of it.

While, therefore, they admitted that the settlement of a conventional line was exceedingly desirable, by agreement between the Provinces, they urged the adoption of such a line as would be sustained by the foregoing assumptions; such a line, in fact, as no one could agree to, who was not prepared to concur, to a great extent, in the justice of the principles advanced by them.

It is needless for us here to recapitulate the general arguments against the adoption of the range of Highlands contended for by New Brunswick, as constituting the Southern Boundary of Canada. But there are some particular facts, which were advanced by us in reply to these pretensions, to which we would respectfully solicit Your Excellency's attention.

The Province of Canada, when under the French Government, clearly was not confined within these limits, first, as to that part lying east of the due north line from the source of the River Ste. Croix, there had been various grants and concessions extending to the River Ristigouche. Such were the Seigniory of Cloridon and of Matepediac.

At the cession of Canada to Great Britain, all individual rights and the French laws were gauranteed. British authority succeeding French authority, and after the cession, and after the Proclamation of 1763, and the Statute of 1774, namely, in 1787, the Seigniory of Cloridon

was resumed by the Crown, according to the Laws so guaranteed, and as a possession in Canada, clearly shewing that the limits of Canada were, under British authority, as well as under French, considered to extend far south of the Highlands contended for by New Brunswick. In 1788, another Seigniory was conceded, commencing on the western extremity of the Baie des Chaleurs, and extending several miles upwards along the River Ristigouche, thus intervening directly between that River and the Boundary claimed by New Brunswick. Canada had also erected a County on this part of the Territory, and the inhabitants have exercised political rights, and continue to be represented in the Legislature, under the authority of the Union Act, though, according to these claims, the whole County of Bonaventure, which the Imperial Parliament, in 1840, recognized as part of Canada, and which

(129)

extends to the River Ristigouche, is within the Province of New Brunswick, and that Province was not at any time in ignorance of the more important of these proceedings. Her County of Northumberland, whose northern limit was declared to be the Southern Boundary of Canada, was erected in 1785, but it was never attempted to be pushed across the River Ristigouche, although on the claim now put forth, it reached the Highlands near the St. Lawrence. That country has since been divided, and the County of Ristigouche, extending to the Southern Boundary of Canada, has been erected out of part of it; but it has been in fact limited, and is so at this moment, by the River Ristigouche.

It was impossible for us, therefore, to agree to any settlement, predicated on the assumption, that the land between this River and the Highlands near the St. Lawrence, belonged to New Brunswick, because, de facto, she never had possessed any part of it, and could never, according to our view of law, have claimed. We felt we had at least equal ground for contending that it was Canada who lost by taking the River Ristigouche as a boundary, instead of the range of Highlands from Mars Hill to the Baie des Chaleurs. We say at least equal ground, for we had the authority of Great Britain in support of our claims to the Boundary, and we forbore to urge this, only because we thought it our duty, to endeavour to procure a reasonable settlement, even at some sacrifice, and not to interpose the difficulties arising from an assertion of extreme rights.

Then as to the land to the westward of the due north line, we have already given the general reasons, which to us appear conclusive, for maintaining, that the northern limit of the United States was also the southern limit of Canada. But there are other facts to be considered, in reply to the attempt to limit Canada by the Highlands, so often adverted to. Settlements were made from Canada long ago, far to the southward of these Highlands, on the River St. Francis. The Seigniory of Madawaska and of Lake Temiscouata, conceded by the French Crown, was, and still is treated as part of Canada. It extends about thirty miles south of these Highlands, embraces part of the River Madawaska within its limits, and comes to within about twelve miles of the River St. John; and New Brunswick has recognized this grant, by giving up timber cut upon its limits, which had been seized on the ground that it had been cut on Crown Lands without legal authority. We could not then entertain a conventional line, taking for its basis, the assumption that

Canada had no right to treat all the land to the westward of the due north line, and to the northward of the United States Boundary, as being comprised within her limits.

The line, therefore, suggested by His Excellency Sir Wm. Colebrooke, in his Despatch to Your Lordship, dated 13th January, 1845, appeared to us to be open to most serious objections. This line it was proposed, should be run directly from a point on the River Ristigouche, which appears as laid down in Mr. Wells' Map, marked A, to be in latitude 47° 49' north, and longitude 67° 20' west, or thereabouts, to the northernmost angle of the United States Boundary, on the River St. Francis.

The leading objections to this line in our opinion, are:--

1st. It departs from the line of the Ristigouche River, which for the reasons already given, and because it has already been partially adopted as a line of division by both Provinces, and because it is a natural Boundary easily to be ascertained, we think should be adhered to.

2nd. It gives to New Brunswick lands north of that River, over which she has never exercised acts either of possession or jurisdiction, and which lie within the limits of the County of Bonaventure, according to the Statute of Lower Canada, and are consequently recognized by the Imperial Statute uniting the Canadas as within the Lower Province.

3rd. By depriving Canada, for so long a distance, of both banks of the River Ristigouche, it interferes materially with her means of communication with the Baie des Chaleurs, to which it ought to be our endeavour to promote the carrying of timber for shipment.

4th. It intersects Lake Temiscouata, and various tributary streams, the objection to which has been already pointed out by the Executive Council of Canada, and to whose Report on the subject we beg to refer.

5th. It intersects the Seigniory of Madawaska, placing part of it under the jurisdiction and Laws of New Brunswick, which are incompatible with such a tenure.

6th. It transfers to New Brunswick a much larger portion of Territory, which belongs to Canada, than any plea arising from actual settlement and possession taken under the authority of the Government of the former, either warrants or requires.

7th. It aggrandizes New Brunswick throughout, at the expense of Canada, without any sufficient justification, or even equitable ground, except so far as the settlement north of the St. John, and east of the Madawaska Rivers are concerned.

We are compelled therefore, earnestly to entreat of Your Excellency not to agree to this line.

The only other line suggested on the part of New Brunswick, is a line to commence at the Forks of the River Peetamkedgewee, which appear as laid down on Mr. Wells' Map, marked A, to be in latitude 47° 49' north, and longitude 67° 57' west, or thereabouts, running thence a direct course, towards the same northerly angle of the United States, as that proposed by His Excellency Sir William Colebrooke, until it reached the limit of the Seigniory of Madawaska, then around and following the boundaries of that Seigniory, until it reaches a point where

the westerly side of the Seigniory would be intersected by the first mentioned line produced, and thence following the course of the first mentioned line, from the Forks of the River to the northerly angle of the United States, and on the River St. Francis.

It was asserted that the River Peetamkedgewee is in truth the main branch of the Ristigouche, and should have been so designated on the Map, and if this were agreed to, then the branch would, as part of the River Ristigouche, form a continuation of the Boundary formed by that River.

We felt it impossible to agree to this line. The course of the River Peetamkedgewee, instead of being, as that of the Ristigouche, south westerly from the mouth, forms nearly a right angle with that River, running westerly of north, and differing from the line proposed by Sir Wm. Colebrooke only in two points of any importance; first, that it leaves the Seigniory of Madawaska entirely within Canada, and projecting into what then would be New Brunswick, in a sort of wedge like form, while, as if by way of compensation for this trifling concession, it takes more than double the quantity of land contained within the portion of the Seigniory so left out, and is open to every objection which could be urged against Sir Wm. Colebrooke's line, except the foregoing one marked No. 5. We conceive, therefore, that this line could never be acceded to by Your Excellency in behalf of Canada. Feeling it necessary to offer some counter-suggestions, and after explaining fully that it was to be considered merely as emanating from ourselves, subject en-

(130)

tirely to Your Excellency's decision, and as being made without knowing the views of the Executive Council, but at the same time fully persuaded that it would be considered as the uttermost limit of concession and very probably thought to go too far--we pointed out a line to be drawn as follows:--from the mouth of the River Ristigouche, following its different windings south westerly, until it reaches the due north line from the source of the River Ste. Croix; thence in a direct course to the nearest angle of the Madawaska Seigniory;--thence, to the River Madawaska along the boundary of the Seigniory;--thence, down that River to the River St. John, and the Boundary of the United States.

But even if this proposition was agreed to, a right must be reserved to Canada to construct a Railroad from the St. John to the River Ristigouche, through the Territory thus acquired by New Brunswick, to be under the control of Canada, in order to facilitate the conveyance of her products to the Baie des Chaleurs, without subjecting it to the internal regulations of the Government or Legislature of New Brunswick.

This line would give to New Brunswick all the settlements east of the Madawaska, and north of the St. John, together with a large and valuable tract of land adjoining, (if the map be correct) containing more than 600 square miles. It would give Canada access to the St. John, make the Madawaska (a well defined Boundary) open to both Provinces, and would preserve the Ristigouche in like manner to both Provinces.

In strict right, we have felt that New Brunswick ought not to cross

the due north line, and that her proper Boundary would be to follow that line from the point where it first intersects the River Ristigouche, and it is principally with a view to procure an immediate decision that we have suggested terms, which we conceive so favourable to the Sister Province.

On the part of New Brunswick, there did not appear any disposition to accede to this suggestion, and we proceeded to endeavour to agree on a temporary arrangement as to the timber on the Disputed Territory.

From what we could gather, it seemed to us, there was a strong feeling to deny all right to Canada, to any land whatever south of the Highlands near the St. Lawrence, or to agree, even temporarily, to recognize her authority to license cutting timber in any part of these lands, but to push the pretension of New Brunswick to all the Territory between those Highlands and the Boundary of the United States, as settled by the Treaty of Washington; for we could in no other way interpret the claim of jurisdiction of New Brunswick, west of the due north line, and her adherence to those Highlands as the southern limit of Canada. A glance at the map, keeping in mind the limits assigned to New Brunswick, by the Royal Commission of 1784, will show the injustice, and we must add the extravagance, of such pretensions.

Whatever the motive may have been, we found, however, that they would not be parties to any arrangement, under which Licenses were to be granted for cutting timber in any part of the Territory under the authority of Canada,--they proposed to resume licensing, but to exercise exclusive jurisdiction in this respect; keeping an account of what was cut and collected, until the question was settled; and refused our proposition that Canada should continue as she had begun to grant Licenses,--New Brunswick doing the same--that the expenses of management should be borne out of the respective Provincial Funds, and that the proceeds of all Timber cut under such Licenses should be collected by New Brunswick, and funded until the question of Boundary was decided.

We could not agree to their proposal, because we felt that Canada ought not to recede one iota from the position she had taken. They refused, apparently resolved not to recognize even temporarily the authority of Canada. Both proposals, it must be borne in mind, were made without prejudice to future proceedings.

The necessity that all Timber cut on the land should be brought down the St. John, was glanced at, as shewing the power of New Brunswick to control all operations in this respect; we felt obliged to remark that Canada would be driven to survey several Townships in the Territory, and fill them with Settlers, in order to maintain her just rights and prevent it being urged against her, that she was acquiescing in what we should be forced to treat as the encroachment of the Sister Province.

Such was the substance of our communications. His Excellency Sir William Colebrooke expressed his intention of bringing the whole matter before the Executive Council of New Brunswick, and again communicating with Your Excellency.

We have only to urge the necessity of permitting no delay that can be avoided in a final arrangement; for we have certainly arrived at the

conclusion, that the interests of Canada are in every respect prejudiced by delay, and the stress which it appears to us is laid on the so-called tacit acquiescence of Canada in the possession and jurisdiction of New Brunswick, west of the due north line, renders it, in our humble opinion imperatively necessary to urge a prompt decision.

The Timber is being carried off in the meantime by plunderers, and if a forfeiture takes place it is all to the advantage of New Brunswick; if by License from that Province, the share Canada may get in the proceeds is left to future negociation.

It is not for us to offer any suggestions here, as to the course proper to be taken. Your Excellency will doubtless adopt the measures you may deem best under all circumstances.

A copy of a minute of our conversations with the gentlemen appointed on the part of Sir William Colebrooke accompanies this Report.

We have the honour to be, &c.,

(Signed,) W. H. DRAPER,
D. B. PAPINEAU.

28th July, 1845."

MONDAY, 14th July.

His Excellency the Lieutenant Governor announced to us that he had named Mr. Street, a Member of the Executive Council, and Mr. Reade, who had been in Washington, on the part of New Brunswick, at the negotiation of the Ashburton Treaty, to confer with us. Mr. Reade having met with an accident, we met Mr. Street alone.

Mr. Street commenced by observing, that unless we laid down some basis on which we could agree, we were not likely to approach a settlement, and invited us to consider on what principle we would agree as to the Boundary, in order to discuss the details for carrying such principle out.

We replied that this involved several considerations,--

1st.--Were we simply to ascertain the Boundary Line, as fixed by the Commissioners establishing New Brunswick as a separate Province--if so, there was little to discuss. The Gulf of St. Lawrence was the Eastern Boundary, the Bay of Fundy the Southern, the Western was definitely fixed by a line due north from the source of the Ste. Croix, a line which had been explored in part, and had only to be continued till it reached the Southerly Boundary of the Province of Quebec, and the Southerly Boundary which was defined as the Highlands dividing, &c.

(131)

2d.--The fact must not be overlooked, that (however it might have arisen) both New Brunswick and Canada had adopted the Ristigouche River for a certain distance, as their Northern and Southern Boundary,--New Brunswick by the creation of the County of Ristigouche, bounded by the river of that name, and Canada afterwards by the creation of the County of Bonaventure, which has for its Southern Boundary this same river. This mutual recognition, that is, mutual in regard to the Western limits of the County of Ristigouche, appeared to have so far settled the question, and then all that remained to be determined, was the Boundary from

the north-western corner of this County to the due North Line;

Or, 3d.--The settlement of a Conventional Line, in which could be considered settlements made without the defined Boundaries of New Brunswick.

Mr. Street suggested a settlement of the footing of uti possidetis. He remarked that Canada had encroached on New Brunswick by coming to the Ristigouche, as the Highlands referred to in the Quebec Act, and the Proclamation of 1763, were clearly the range far North of that River, and much closer to the St. Lawrence, and that we could not (admitting the due North Line as traced on Wells' Map A. only for argument sake, to be correct) disturb the long possession and jurisdiction of New Brurswick west of that Line, and in the Territory at and about the Madawaska Settlement, without retiring all pretensions to land south of these Highlands, which would be a most inconvenient course; and if New Brunswick gave up so much in that quarter, she might, if on no other ground, justly retain the whole Madawaska Territory. Besides, he intimated that the North Line, as shown on the Map, was established in accordance with the Treaty of 1783, and could have no reference to the Line intended in 1763, and that in fact the Line intended in 1763, was much west of that traced on the Map.

In reply, we urged that we could not recognize any settlement or possession of New Brunswick to the westward of the due North Line, as conferring a right, until they had shown some Document or competent authority for crossing the clearly expressed and defined Western Boundary. That no length of possession, or even exercise of jurisdiction, could alter the Boundary assigned to that Province by the Sovereign authority.

That the assertion as to the Southern Boundary of the former Province of Quebec being so evidently the Highlands referred to by Mr. Street, so far from being admitted by us to be correct, was, in our opinion, open to the greatest doubt, and that we conceive we had the authority of the British Government, in its long protracted negotiations with the United States, for asserting this was not the true range of Highlands, but that they must be sought much farther South,--and according to the argument of the British Government and the reports of their Commissioners, the range of Highlands which were designated in the Treaty of 1783, would carry the limit of New Brunswick as far South of the Ristigouche, as that Province claimed to carry it north, and we could not therefore admit as a basis that New Brunswick in adopting the Ristigouche as the Boundary pro tanto, was making any concession, and consequently acquiring any right to a corresponding compensation, to the westward of the due North Line.

Mr. Street re-asserted the position of the Highlands, and repeated his denial that the Boundaries in the Treaty of 1783 could affect the question, which must rest on the Proclamation of 1763, and the Quebec Act; and he insisted further, that even admitting the force of our argument as to the due North Line, bounding the Province of New Brunswick, that her having taken possession to the west of it was nothing to us, as Canada, being bounded by a range of Highlands much nearer the St. Lawrence, could not cross them, and that she had no right to the Terri-

tory between those Highlands and the Line established by the Treaty of Washington; and he referred to that Treaty and to the proceedings now being carried on on the North of the St. John, at the expense (for the present) of New Brunswick, as confirming her claim to all the land to the southward of the Highlands he referred to, and the Boundary as now established, of the United States, and he challenged us to show any title of Canada to the Territory; and in reply to the grant of the Seigniory of Madawaska and other Settlements, made by the French before the Cession, he urged that the Cession had made all the Territory that of Great Britain, who had thought fit to bound the Province of Quebec by certain Highlands, beyond which we could derive no claim from Acts of the French Government prior to 1763.

We admitted the authority of the Imperial Government, but insisted, that that Government meant one and the same range of Highlands by the Treaty of 1783, which were already referred to in 1763. That we had the authority of the British Government for saying that those Highlands were not the range Mr. Street asserted, and that it was not to be assumed that Great Britain intended to leave a narrow and unapproachable strip of land between the United States and the Province of Canada and New Brunswick, which would be the result if Mr. Street's position were correct; and we disclaimed any proceedings for carrying out the Treaty of Washington, or any Article of that Treaty, as having any bearing on the boundaries of Canada and New Brunswick.

Mr. Street then observed, that we should never probably convince one another as to the Boundary as of right, and it would be better to try and settle a Conventional Line, and for the sake of discussion, and as ascertaining what prospect there might be of our concurring, he would make a suggestion. He premised that he thought the River Ristigouche wrongly marked on the map, and that the true head and line of the River was that designated as the Peetamkedgewee, and he proposed a line drawn from the head of that River, to the northermost point of the United States Boundary, at the River St. Francis, or at least from the head of that River to the Boundary of the Seigniory of Madawaska, and round that Seigniory till it again reached the course of a direct line from the River above-mentioned, (which he insisted was really the Ristigouche,) to the northern point of the United States Boundary.

We at once declined this; First, because we could assent to no change as to the River Ristigouche; next, because thinking New Brunswick properly bounded by the due north line, the extremest concession, and this only for the sake of a prompt settlement of all difficulties, must be the easterly side of the Madawaska River.

This puts a stop for the present to the discussion respecting the Boundary, and we then proceeded to propose an ad interim arrangement, as to the Timber Licenses, &c.

We proposed that Canada should grant Licenses as she had already commenced; that New Brunswick should also grant Licenses; that the expenses of management should be borne out of the respective Provincial Funds; that the proceeds of all Timber cut under these Licenses should be collected by New Brunswick, and funded until the question of Boundary was

decided; Mr. Street at once stated that granting Licenses by both would inevitably lead to confusion; that he thought New Brunswick had better re-commence granting Licenses, and that no other should be granted until the dispute was settled, and that they would collect and keep separate

(132)

the revenue. This arrangement to be without prejudice to the claim of New Brunswick alone to grant such Licenses, &c., on the ground of possession and jurisdiction, Civil and Criminal, so long exercised, commencing, in fact, in 1787, and that Canada had, till very recently acquiesced, without remonstrance, and ought not now to object to the continuation of this jurisdiction (without prejudice to her claims) until the Boundary was decided.

That as all the Timber must pass through New Brunswick, and become subject to its laws and jurisdiction, it would be better to let the whole matter ad interim remain in their hands.

We strongly objected to this, because it would, by receding from the course adopted in 1843, of granting Licences, imply a partial, though only temporary abandonment of rights, we believed incontrovertible. That our proposal could not affect the facts on which the claim of New Brunswick was rested, whether those were the Southern Boundary of the Province of Quebec, as defined by the Highlands, or the long possession and exclusive jurisdiction which was asserted. That we were quite aware New Brunswick, by her own Legislation, might enforce forfeiture of Timber coming down the River, cut under our Licenses, and by thus taking advantage of her geographical position, render, for the present, the market of St. John's inaccessible to us, but that they could not prevent our assertion of our rights, by settling Townships, which would be immediately filled up by the surplus population of Lower Canada, and though such a course was to be deprecated, as inevitably leading to collision and possibly bloodshed, yet we could not engage that the forbearance of Canada to assert actively her claims by taking possession in opposition to the possession claimed by New Brunswick, would be continued. A long and desultory conversation ensued, involving the question of possession by New Brunswick, and the consequences which ought legitimately to attach to it, but neither party seeming disposed to yield, it was agreed we should reflect on the matter, and meet (with Mr. Reade if he were able to attend) to-morrow at eleven o'clock.

TUESDAY MORNING, 15th July, 1845.

We attended this morning, according to the understanding yesterday. Mr. Reade being still unable to come out, the Honourable I. Saunders was appointed in his place, to act with Mr. Solicitor General Street, on behalf of New Brunswick.

Mr. Street renewed his observation of the importance of determining certain principles as a basis of settlement, and then applying those principles to the existing facts, observing, that if the principle was to adhere to the letter of the Boundaries established by Proclamation, Statute or Royal Commission, all that was necessary was to explore and

trace out those Boundaries, but that if a line departing from those Boundaries, was to be adopted, if some rules for ascertaining such a line should be first laid down, the conclusion would be more easily arrived at.

We remarked that, with reference to a large portion of the Boundary, there would be no difficulty; the eastern, southern, and western limits of New Brunswick could not be mistaken; for though as to the latter, it had been suggested that the due north line as explored, had been commenced further eastward than it should have been, yet as it was obvious that the British Government intended that the line "drawn due north from the source of the River Ste. Croix, to the southern Boundary of our Province of Quebec," should be identical with the line described in the Treaty of 1783, as "a line drawn due north from the source of the Ste. Croix to the Highlands," when once the British Government had determined what that line should be, for the purposes of the Treaty of 1783, it at the same moment gave its construction of the same line which was to form the Western Boundary of New Brunswick, according to the Royal Commission of 1784. It was on the Northern Boundary of New Brunswick alone, that any real difficulty existed; that there had been mutual Legislative Acts of Canada and New Brunswick, by which the River Ristigouche had for a considerable distance been adopted as the Boundary between the Provinces, and we proposed to assume the line as thereby settled by the Act of both Provinces, as far as the northwestern angle of the County of Ristigouche, and starting thence, to endeavour to settle the residue.

To this Mr. Street objected, as the adoption of the Ristigouche so far, would be a waiver of the claims of New Brunswick to all the land lying north of the Ristigouche, and south of the Highlands near the St. Lawrence, which he contended were those meant by the Proclamation of 1763, and the Statute of 1774; and as the title of New Brunswick to this land was, in his opinion, clear, if for the sake of settlement, she gave up any part of it, she would insist on a corresponding indemnity on the west.

We then proposed, without prejudice to any claims on either side, but merely for the purpose of endeavouring to arrive at a Conventional Line, to take this as a starting point; and equally without prejudice, and only for the same purpose, to treat the Ristigouche as having been so far settled by the Acts of both Provinces as the Boundary.

Mr. Street then claimed that the possession and authority taken and exercised by the Province of New Brunswick, commencing as early as 1787, and tacitly acquiesced in by Canada, to the west of the due North Line, should equally be recognised for the purposes of settling the Conventional Boundary.

To this we replied, that there was no analogy between the two cases. In the former, Canada had by express enactment, made the River Ristigouche the Boundary of a County, and New Brunswick, which had also, by an earlier Statute, created the County of Northumberland, part of which now constituted the County of Ristigouche, bounded by the Province of Canada, had never attempted or claimed to push her jurisdiction or set-

tlements beyond that River, and that however clear it might be to New Brunswick, that the Highlands she contended for were the true Boundary, it appeared to us that in insisting on a range of Highlands far to the south we had the authority of the British Government. In the latter case, Canada had done nothing through her Legislature in the slightest degree adopting or conceding the pretension of New Brunswick, and as to her tacit acquiescence, as long as the dispute between the United States and Great Britain was pending, any assertion of her individual claim would have been premature, as the first point to be determined was, what was the limit of British Territory, apart from the consideration of within what Province that Territory might be situate; and since that question had been determined, Canada had not been inactive. That, without meaning to insist that the limits of New Brunswick might not be extended to the west of the due North Line, we could only view this as a concession for the sake of an immediate arrangement, and having in view the probability that the settlements to the west of that Boundary of New Brunswick, were made under the erroneous belief that they were within the limits of that Province, and therefore, that the inhabitants who had thus, under the authority of the Provincial Government, occupied and improved these lands, were entitled to consideration.

Mr. Street objected to the adoption of the point proposed by us, and referred, first, to the Conventional Line suggested by His Excellency Sir William Colebrooke, commencing on a bend of the River Ristigouche,

(133)

according to Mr. Wells' Map A. in latitude 47° 49' north, nearly, and longitude 67° 20' west, or thereabouts, and running a direct course thence, to the northerly angle of the United States Territory on the River St. Francis, and he again renewed, as a proposition, by which he conceived the Government of New Brunswick would be content, to procure a settlement, to adopt the River Peetamkedgewee as the true Ristigouche, and commencing at the forks of that River, appearing on Mr. Wells' Map A. to be in latitude 47° 49' north, or thereabouts, and longitude 67° 57' west, nearly, and running from thence a direct line towards the same northerly angle of the United States Territory, until it reached the limit of the Seigniory of Madawaska, then around, and following the Boundaries of that Seigniory, until it reached the point where the first line to be drawn from the forks of the River, towards the north angle of the United States Territory would intersect the westerly side of the Madawaska Seigniory, and thence following the course of the first mentioned line to the same north angle of the United States Territory on the River St. Francis.

We at once stated our conviction, that neither of the proposed lines could ever be acceded to on the part of Canada, and stated our belief that the extreme limit to which Canada could concede, would be to take the River Ristigouche as the Boundary, until it reached a point where the due North Line drawn from the source of the River Ste. Croix, and forming the Boundary between New Brunswick and the State of Maine, first intersects the River Ristigouche, thence in a direct line to the nearest angle of the Madawaska Seigniory, being east of the River Madawaska,

thence following the Boundary of the Seigniory southwesterly, to the River Madawaska, thence down the River Madawaska to the River St. John, and the limit of the State of Maine, and so along the River Ristigouche, to the Baie des Chaleurs.

The New Brunswick gentlemen declined this proposition, and we then ceased any further discussion as to the Boundary. The subject of the Timber Licensing was again taken up, but, as on the part of New Brunswick, it was refused to admit any proposal under which Licenses were to be granted by the Government of Canada, either alone in one part of the disputed Territory, or in conjunction with New Brunswick; no arrangement could be come to.

During the discussion as to the actual respective legally fixed Boundaries of the two Provinces, Mr. Street proposed the appointment of three Commissioners to explore the Highlands; we objected, on the ground that it would create delay and expense, both useless. For, if the Provinces could agree on the Conventional Line, it was unnecessary, and, if the question had to be determined by Imperial authority, existing circumstances, arising from the conduct of both Provinces, could not be overlooked in a settlement; and it was equally certain that they would neither take the Highlands near the St. Lawrence nor those forming a continuation of the chain by which the British Commissioners had contended the United States was bounded, according to the Treaty of 1783. However clearly it might appear therefore, which of these ranges was the true one, other considerations had intervened which rendered the adoption of either impossible, and such a survey could therefore have no beneficial result, while the delay it would cause in a definite arrangement, would be highly injurious, at least to Canada.

It occurred also, that to a question put to Mr. Street, to show any documentary evidence by which New Brunswick could be warranted in extending her jurisdiction west of the due North Line, contrary to the Act by which the British Government had established the new Province of New Brunswick, he asked how, in turn, could Canada justify her claims in that Territory? We answered that before 1763, there were only two parties claiming the same. Great Britain on one side, France on the other. That which was not British possession was French, or rather French Canadian possession. After 1763, British authority and dominion was substituted in Canada, to French authority and dominion; but the Colony of Canada remained the same. After 1783, United States dominion was substituted for British dominion in one part of these possessions, therefore every thing west of the due North Line, which by any subsequent Act of the Imperial authority of Great Britain, was not acknowledged to be American property, must, of course, remain Canadian property or Territory.

(Copy.)

FREDERICTON, N.B.,
January 5th, 1846.

MY LORD,

It having been reported to me by the Commissioners employed in carrying into effect the provisions of the Treaty of Washington, that Mr.

Francis Rice, a Justice of the Peace of the County of Carleton, resident in the Madawaska Settlement, had been appointed a Crown Land Agent under the Department in Canada for the sale of Lands in that part of the county, I have the honour to request that Your Lordship will be so good as to inform me if such may be the case, and whether the appointment may have the sanction of the Canadian Government. I beg to draw Your Lordship's attention to my correspondence with Lord Metcalfe referred to in the margin, and to remark that it would be the duty of Mr. Rice, as a Magistrate, to enforce the Laws of this Province within the Settlement against all persons who might disregard them; and I need not impress on Your Lordship the consequences of such a conflict of jurisdiction and its effects in increasing the difficulties attending the settlement of the disputed Boundary between the Provinces.

Letter to Lord Metcalfe, dated 26th April, 1845.
Letter from Lord Metcalfe, dated 5th May, 1845.
Letter to Lord Metcalfe, dated 13th May, 1845.

I have, &c.,
(Signed,) W. M. G. COLEBROOKE.

His Excellency, Lieutenant
The Earl CATHCART, K. C. B.,
&c. &c. &c.

(Copy.)

GOVERNMENT HOUSE,
Montreal, 16th January, 1846.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's Despatch, dated the 5th instant, and in reply to transmit for Your Excellency's information a copy of the Report of a Committee of the Executive Council of this Province, advising the appointment of a Resident Agent for the Crown Land Department in the Madawaska Settlement, in pursuance of which the nomination of Mr. Francis Rice, a Justice of the Peace of the County of Carleton, resident in that Settlement, to the above situation, took place accordingly by the usual Warrant under my signature.

22d December, 1845.

I have not failed to give my best attention to the correspondence between Lord Metcalfe and yourself, to which Your Excellency has adverted, from which it appears that His Lordship's letter, dated the 5th of May, 1845, must have shewn to Your Excellency the probability of the measure in question being sooner or later adopted, Lord Metcalfe having therein deprecated the intrusion of the authority of New Brunswick, or any change having that object in view, pending the settlement of the Boundaries of the two Provinces, in a Territory which had been shewn in a former communication addressed by His Lordship to Your Excellency, on

the 28th of April, 1845, was considered by the people of this Province to belong to Canada.

I sincerely trust that no such consequences as Your Excellency seems to anticipate will arise from this appointment, the sole object of which being to secure the rights and the interests of the Canadian population, within the limits in which they have an undoubted claim to the protection of their Government.

I have, &c.,
(Signed,) CATHCART.

His Excellency
Sir W. M. G. COLEBROOKE, K. H.
&c. &c. &c.

Extract from a Report of a Committee of the Honourable the Executive Council, dated 22d December, 1845, approved by His Excellency, the Administrator of the Government, in Council, on the 24th of the same month.

"On a letter from the Commissioner of Crown Lands, dated the 16th instant, that the appointment of Francis Rice, Esquire, as Crown Land Agent in the Territory of the Madawaska, may be confirmed, with such a fixed and annual salary, not exceeding £200, as the Commissioner may think the nature of the services to be rendered will warrant, &c.

The Committee approve of the recommendation of the Commissioner of Crown Lands, that an Agent be appointed to dispose of the waste Lands of the Crown in the Territory in question."

Certified.

(Signed,) E. PARENT.

To the Civil Secretary,
&c. &c. &c.

(Copy.)

GOVERNMENT HOUSE,
Montreal, 2d February, 1846.

SIR,

I have the honour to transmit to Your Excellency a letter which I have received from the Commissioner of Crown Lands in the Province of Canada, directing my attention to an extract of a communication received by him from Francis Rice, Esquire, Resident Agent for that Department in the Madawaska Settlement, and concurring in the view Mr. Papineau has taken of the subject, to request that Your Excellency will have the goodness to acquaint me as early as possible whether the proceedings therein referred to, on the part of the Authorities of New Brunswick, in a Territory always considered to be under the control of Lower Canada, are sanctioned by the Imperial Government.

In the event of such not being the case, and that no special instructions have been given to Your Excellency by Her Majesty's Government at home, to empower the Authorities of New Brunswick to adopt such immediate, and I may say premature measures, without any previous communication or understanding with the Executive Government of Canada, I must take upon myself, on the part of the Government of this Province, to submit to Your Excellency the expediency of causing the Surveys complained of in the documents herewith transmitted to be discontinued

within the limits claimed by Lower Canada, until Her Majesty's pleasure on the subject of the Boundaries now in dispute between the two Provinces can be ascertained.

I take this occasion to make known to Your Excellency that Her Majesty having been advised to confer upon me the office of Governor General of Her British Provinces in North America, to be held in conjunction with my present command, I have received Her Majesty's command, on accepting the office, to publish the fact that I had become Lord Metcalfe's successor, and having already been sworn in an Administrator of the Government, that my authority as Governor General will in all substantial respects be the same, although the title alone will be wanting until my Commission arrives.

I have, &c.
(Signed,) *CATHCART.*

His Excellency,
Sir W. M. G. COLEBROOKE, K. H.,
&c., &c., &c.

(Copy.)

To His Excellency the Right Honourable Charles Murray, Earl of Cathcart, in the County of Renfrew, Administrator of the Government of the Province of Canada, &c., &c., &c.

MY LORD,

I consider it my duty, humbly to call Your Excellency's attention to the enclosed abstract of a letter to this Department, from Francis Rice, Esquire, one of its Agents, dated Temiscouata, 29th December, 1845.

Your Excellency will see by that abstract, that the authorities in New Brunswick have actually been surveying land in Canada, under pretence of the execution of the fourth article of the Treaty of Washington. As I have been authorized, by Order in Council, to have the land surveyed and granted, I respectfully beg leave to submit whether it would not be advisable for your Excellency, to communicate with the Lieutenant Governor of New Brunswick on the subject of those Surveys, in order to ascertain whether such proceedings on the part of the New Brunswick authorities, in a Territory always considered under the control of Lower Canada, are sanctioned by the Imperial Government. By the answer I shall be guided in the steps to be taken in carrying out the Surveys, and other measures contemplated by the Order in Council of 6th November, 1845.

I have, &c.,
(Signed,) *D. B. PAPINEAU,*
C. C. L.

CROWN LANDS OFFICE,
30th January, 1846.

(Copy.)

Extract of a letter from Francis Rice, Esquire, Crown Land Agent, Madawaska, dated the 29th December, 1845.

"I suppose you are aware, that the Government of New Brunswick have appointed two Commissioners to carry into effect the fourth Article of the Treaty of Washington, that is, to grant free titles to those who had settled on the Disputed Territory six years previous to the date of the said Treaty. These gentlemen have arrived in Madawaska, in the month of April last, with four parties of Surveyors, and have laid out the settlers' lots from the Seigniory on the Madawaska River, down to its outlet, and from that up to the Saint Francis on the Saint John River."

(Copy.)

FREDERICTON, N.B.,
February 13th, 1846.

MY LORD,

I have had the honour to receive Your Lordship's letter of the 2nd instant, enclosing to me a communication from Mr. Papineau, the Commissioner of Crown Lands in Canada, and from Mr. Francis Rice, a Resident Agent of his Department, at Madawaska, relative to the Surveys executed under the direction of the Commissioners appointed to carry into effect the 4th clause of the Treaty of Washington, and requesting to be informed if these proceedings are sanctioned by the Imperial Government.

(135)

I have, in reply, to inform Your Lordship, that the provisions of that Treaty were ordered by the Secretary of State for the Colonies to be carried into effect, and that the Commissioners appointed, and who are responsible for their proceedings, have from time to time made Reports which have been duly transmitted to the Secretary of State, accompanied by a Plan of the Surveys executed by them.

With respect to their Surveys having been carried into a Territory, which Your Lordship considered to be under the control of Lower Canada, I beg leave to observe, that the limits of the Madawaska Settlement, from whence Mr. Rice makes his Report, have never been defined, and as he has, for several years exercised jurisdiction in it as a Magistrate of this Province, an office he has not resigned, he is well aware of the fact, of which the framers of the Treaty were also cognizant, as appears from the 3rd clause, wherein the Settlers on the St. John and its Tributaries, were recognized to be inhabitants either of Maine or New Brunswick. On this point, I beg to refer Your Lordship to the Supplementary Report of the Surveyor General of New Brunswick, at page 10, enclosed in my letter to Lord Metcalfe, dated the 13th December, 1844.

As the Commissioners have suspended their operations during the winter season, there will be full time to receive Instructions from Her Majesty's Government before anything further can be done. They were simply instructed, in general terms, to carry the provisions of the Treaty into effect, pursuant to the orders of Her Majesty's Government, to whom it will become my duty to transmit the correspondence which I have held with your Lordship, and to request that no delay may occur in arresting the consequences of the conflicting Jurisdiction which has recently arisen between the Provinces.

I have, &c.

(Signed,) *W. M. G. COLEBROOKE.*

His Excellency
The Right Honourable
The Earl CATHCART, K.C.B.
&c., &c., &c.

Messages, &c. to be Printed. *Ordered, That the said Messages and the documents accompanying the same, be printed for the use of the Members of this House.*

Married Women's Relief Bill. *Ordered, That Mr. Cummings have leave to bring in a Bill, to provide for the relief of married women, in certain cases.*

He accordingly presented the said Bill to the House,[25]

MR. CUMMINGS introduced a Bill "to provide for Married Women in certain cases".[26] (Hear, hear.)[27]

MR. PRICE wished that the introducer of the bill would give some explanation of it. (Hear, hear.)[28]

MR. CUMMINGS said that the intention of the bill was, that when a friend or relation had made a bequest of some property to a married woman, and she had a husband of an abandoned character, she might be able to prevent the property from being sold or mortgaged[29] ((or)) dissipated by ((him)).[30] He considered the subject of great importance, and had consulted lawyers on both sides of the house, and it was his intention not to press the bill this session; he only wished it printed, and he supposed the subject would be better understood by the next session.[31]

(135)

and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. Chauveau, seconded by Mr. Armstrong,

Address, Lake St. Peter. *Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that he will cause the proper Officer to lay before this House, 1st. Report of Survey of Lake St. Peter, by Mr. Atherton, civil engineer; 2nd. Report of Survey of the same by Mr. David Vaughan, the present Superintendent; 3rd. Report of Survey of the same, by Captain Boxer, Royal Navy; and, 4th, Copies of Contracts or Agreements entered into by the Board of Works, for boarding the men employed by them in Lake St. Peter, in the years 1843, 1844, 1845, and 1846.*

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Jews Relief Bill. *Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill, to amend the Act of Lower Canada therein mentioned, extending certain privileges to persons of the Jewish persuasion.*

He accordingly presented the said Bill to the House,[32]

He, MR. MOFFATT, said that the bill was introduced to amend the act of 19 George IV. cap 75, applicable to persons of Jewish persuasion, which gave power for trustees to hold ground for a burying ground and synagogue, and also to keep a register of births, marriages and deaths. The present bill was to extend the privileges of that act to Portuguese Jews. They asked for leave to hold 5 acres of ground for a burying ground and synagogue to solemnize matrimony and keep a register of births and deaths.[33]

(135)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Toronto Hospital Bill. — *Ordered, That Mr. Boulton have leave to bring in a BBill to incorporate the Trustees of the Toronto Hospital.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday the twenty-ninth instant.

Peterboro' Incorporation Bill. — *Ordered, That Mr. Hall have leave to bring in a Bill to incorporate the town of Peterborough.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Peterboro' and Port Hope Railway Bill. — *Ordered, That Mr. Hall have leave to bring in a Bill to incorporate the Peterborough and Port Hope Railway Company.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Cobourg Manufacturing Bill. — *Ordered, That Mr. Meyers have leave to bring in a Bill to incorporate the Cobourg Manufacturing Company.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Montreal and Kingston Railroad Bill. — *Ordered, That Mr. Macdonald of Glengary have leave to bring in a Bill to incorporate the Montreal and Kingston Railroad Company.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Christie, seconded by the Honourable Mr. Aylwin,

Address, Magdalen Islands. — *Resolved, That this House do concur in the Address of the Honourable the Legislative Council to His Excellency, the Administrator of the Government, on the subject of the Magdalen Islands; that the*

blank therein be filled up with the words, "and Legislative Assembly," and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honourable the Legislative Council, acquainting their Honours that this House hath agreed to the Address to His Excellency, the Administrator of the Government, on the subject of the Magdalen Islands.

Ordered, That Mr. Christie do carry the said Message to the Legislative Council.

On motion of Mr. Gowan, seconded by Mr. Hale,

Orders of the Day. Ordered, That from this day all measures standing on the Orders of the Day, be taken up according to the precedence they originally held, when placed on the Order of the Day Book.

Municipal Law, (L.C.) Mr. Stewart of Prescott, from the Committee of the whole House, to consider the expediency of repealing the Municipal Law of Lower Canada, and of enacting another, with amendments and new provisions, reported, according to

(136)

Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House and is as followeth:--

Resolved, That it is expedient to repeal the present Municipal Law of Lower Canada, and to substitute other enactments in lieu thereof.

Bill. Ordered, That the Honourable Mr. Papineau have leave to bring in a Bill to repeal the Acts therein mentioned, and to amend the Law for the establishment of Local and Municipal Authorities in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

School Act. Mr. Stewart of Bytown, from the Committee of the whole House, to consider the expediency of repealing the Provincial Statute of the 8th Victoria, cap. 41, commonly called "The School Act," and of enacting another, with amendments and new dispositions, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the Provincial Statute of the 8th Victoria, cap. 41, commonly called "The School Act," and to enact other provisions in lieu thereof.

School Bill, (L. C.) Ordered, That the Honourable Mr. Papineau have leave to bring in a Bill, to repeal certain Enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday the twenty-eighth instant.

Bible Christians Relief Bill. — *The Order of the Day for the second reading of the Bill to extend the benefit of a certain Act of the Parliament of Upper Canada therein mentioned, to the Ministers of the denomination calling themselves "Bible Christians;" and also to extend the benefit of the said Act, to a certain other denomination styling themselves "Christians," being read;*

The said Bill was accordingly read, and ordered to be engrossed.

Temperance Houses Bill, (U. C.) — *The Order of the Day for the second reading of the Bill, to enable the District Councils in Upper Canada to regulate Temperance Houses, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House, to-morrow.

St. Lawrence and Atlantic Railroad Bill. — *The Order of the Day for the second reading of the Bill, to amend the Act incorporating the St. Lawrence and Atlantic Railroad Company, being read;*

The said Bill was read accordingly.

Ordered, That the Standing Rule of this House, requiring the payment of twenty pounds on the said Bill, be dispensed with, the same having been paid on the original Bill.

Ordered, That the said Bill be referred to the Select Committee on Railroads.

Despatches. (Railroads.) — *Ordered, That the several Despathces of the Right Honourable W. E. Gladstone, on the subject of Railroads, be referred to the said Committee.*

Wolfe Island Railroad Bill. — *The Order of the Day for the second reading of the Bill to incorporate the Wolfe Island, Kingston, and Toronto Railroad Company, being read;*

Ordered, That the said Bill be read a second time on Thursday next.

Montreal and Lachine Railroad Bill. — *The Order of the Day for the second reading of the Bill to incorporate the Montreal and Lachine Railroad Company, being read;*[34]

MR. J. A. MACDONALD, of Kingston, moved the second reading of the Montreal and Lachine Railroad Bill. He conceived that the only possible objection which could be urged against the line was that it might interfere with the great line contemplated from Montreal to the Western Frontier. To remove this objection, he was authorized to state, that the stockholders of the proposed line were willing to give up their line to any responsible individuals who would engage to build a Railroad from Montreal to Kingston or Prescott[35], ((or)) Toronto[36], upon the payment of its first cost.[37]

M. LANTIER dit qu'il espèrait que le comité renverrait ce bill, comme la chambre avait renvoyé celui de la compagnie du Railroad de Nigara et Détroit. Le bill ne mentionnait par où commencerait et où se terminerait ce chemin en question. On ne savait même pas si la compagnie de la grande route serait d'accord de faire aboutir le chemin de fer de Kingston au point où finira celui de Lachine. Si dans tous les cas ce bill était reçu, il aimerait qu'il fût spécifié que ce chemin irait, en passant derrière la montagne, aboutir à la traverse de Longueuil, c'est-à-dire,[38] the terminus ought to be at the Cross, opposite to the proposed terminus of the Portland railroad.[39]

MR. LAURIN opposed the bill.[40]

MR. COLVILLE was not personally interested in this railraod, but he would support the bill before them, as the measure was of great importance to his constituents, communicating as it did with the place where the steam boats from the county of Beauharnois landed passengers and produce. The capital of the company was all taken up by individuals residing in Canada; and they were ready, immediately after a charter was granted to them, to commence the undertaking. The hon. member ((f))or Vaudreuil said that the line proposed by this company would not be in a direct line to Kingston. He (Mr. C.) had examined the surveys, and had found that it was only a mile from the direct line to Kingston; and it had the advantage of running on almost a dead level, while, if a direct line was taken, it would have to pass on a very uneven surface.[41]

MR. MOFFATT was in favour of encouraging railroads; but there were two clauses in that bill to which he objected; the one which provided for a certain percentage of profit to be paid by the purchasers of that line; and the other, which[42] gave to the company an exclusive right preventing the construction of any line within three miles[43]. This would prevent any other railroad having a terminus in Montreal. He (Mr. M.) was opposed to granting exclusive privileges to any company.[44]

MR. J. A. MACDONALD of Kingston, said, since the drafting of the bill the proprietors had agreed to give up the rights in this road, at first cost, to any company who would build a more extended line.[45] The first clause would be altered, and he was prepared to modify the second, the intention was to prevent the construction of parallell lines ... should vote for the Bill, he considered that the terminus of the Railroad should be about the Longueuil Ferry, where the Lachine Canal should have been long ago.[46]

MR. AYLWIN considered that the line on which this railraod was to be built should be laid down in the bill, at least within 400 feet; and its terminus ought to be at the Longueuil ferry, where the entrance of the Lachine Canal should have been made long ago; and this could have been done without any injustice to Montreal.[47] Il voterait pour le bill à condition que le chemin aboutira (sic) à la traverse de Longueuil.[48]

MR. J. S. MACDONALD (Glengary) opposed the Bill; he had that day brought in a Bill to establish a Railroad from Montreal to Kingston[49],

which would form a part of the great chain of roads to extend from Montreal to Port Sarnia, with which this line would interfere. It was true that they could be bought out; yet the Lachine Company would likely build their road on such an expensive scale that the company whose interests he represented would not be able to buy it with profit, as they intended to build their road on a very economical scale. He hoped the hon. member for Kingston would postpone his measure until the second reading of the bill he had that day introduced, so that both measures might go before the Railway Committee, and be considered by them, at the same time.[50]

MR. COLVILLE asked if any of the stock of this Company was subscribed; he did not consider it fair that a line the whole of the capital of which was paid up and the Company prepared to begin operations should be stopped by another which merely existed on paper.[51]

MR. J. A. MACDONALD, of Kingston, said, the Kingston and Montreal Railroad Company had no capital subscribed, but was merely got up as a speculation, and was dependent for its success on English capitalists. The unsettled state of the affairs with the United States would[52] of course operate against speculation in Canadian schemes[53] at present[54], and war would destroy all chance of investment. It was not fair[55] ((and)) proper, therefore, to oppose a measure which was a bona fide undertaking, and which would be carried into effect[56] with Canadian capital[57], immediately, for the sake of a railroad which would not be built for at least five or six years. This railroad would be constructed in the most economical manner, so that the largest profit might be obtained at the smallest outlay.[58]

(136)

The said Bill was accordingly read, and referred to the Select Committee on Railroads.

Notarial Titles Bill, (L.C.) — *The Order of the Day for the House in Committee on the Bill to remove all doubts as to the validity of certain Deeds, Instruments, and Documents, executed before Notaries in Lower Canada, and to secure the Rights, Titles, and Interests of all persons concerned therein, being read;*[59]

The House accordingly resolved itself into the said Committee.

Mr. Seymour took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Seymour reported back the Bill to the House.

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Solicitor General Taschereau, the Honourable Mr. Aylwin, Mr. Chabot, Mr. Drummond, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Magdalen Islands Bill. — *The Order of the Day for the House in Committee on the Bill relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the Inhabitants,*

householders thereof, to establish a Municipal Council in the said Islands, being read;

Ordered, That the said Order of the Day be postponed until Thursday next.

Commercial Bank Charter Amendment Bill. — *The Order of the Day for the second reading of the Bill to amend an Act, intituled, "An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its capital stock," being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Sheriff's Poundage Bill. — *The Order of the Day for the second reading of the Bill to regulate the Poundage to be received by Sheriffs on Executions, and for other purposes therein mentioned, being read;*

Ordered, That the said Bill be read a second time on Thursday next.

Bathurst School Monies Bill. — *The Order of the Day for the second reading of the Bill to enable the District of Bathurst to receive the School Monies apportioned to it, in the year one thousand eight hundred and forty-five, notwithstanding the failure of the District Council to levy an equal sum, being read;*

Ordered, That the said Bill be read a second time on Thursday next.

Motion to adjourn. — *The Honourable Mr. Aylwin moved, seconded by Mr. Johnston, that the House do now adjourn.*

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Bronté Harbour Bill. — *The Order of the Day for the second reading of the Bill to revive and extend an Act of the Parliament of Upper Canada, 3rd Victoria, chap. 33, intituled, "An Act to incorporate certain persons, under the name and style of the President, Directors, and Company, of the Bronté Harbour," being read;*

The said Bill was accordingly read, and ordered to be Engrossed.

Orders of the Day. — *The Honourable Mr. Aylwin moved, seconded by the Honourable Mr. LaFontaine, that the remaining Orders of the Day be postponed until to-morrow.*

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

(137)

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Chabot, Chauveau, DeWitt, Drummond, Johnston, LaFontaine, Lantier, Macdonell of STORMONT, Nelson, and Price.--(14.)

NAYS.

Cauchon, Cayley, Chalmers, Daly, Attorney General Draper, Gowan, Hale, Hall, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger, and Webster.--(19.)

So it passed in the negative.

MR. G. MACDONELL[60] of Dundas moved that the House go into Committee on the petition of Wishe Tegarihontie and others.[61]

(137)

Chiefs and Warriors. *The Order of the Day for the House in Committee on the Report of the Select Committee, to which was referred the Petition of Wishe Tegarehontie and others, Chiefs and Warriors, Iroquois, Algonquins, and Nepissings, of St. Regis and other places, being read;*

Adjournment. *Mr. Chabot[62] moved, seconded by Mr. Bertrand[63], that the House do now adjourn, and that the remaining Orders of the Day be postponed until to-morrow.*

MR. CAUCHON seconded the motion and prescribed a nap to Mr. Gowan, as he appeared to suffer under the same malady as his hon. friend from Carleton.[64]

MR. GOWAN opposed the motion. He hoped the House would go faithfully and honourable (hear) through the remaining orders, as their constituents would expect. He could not see any reason why the House should adjourn as it was not midnight. He hoped therefore the House would go faithfully and honourably (hear) through all the orders on the list.[65]

(137)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Johnston, Lacoste, LaFontaine, Lantier, Macdonell of STORMONT, and Price.--(15.)

NAYS.

Cayley, Chalmers, Daly, Attorney General Draper, Foster, Gowan, Hale, Hall, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger and Webster.--(19.)

So it passed in the negative.

The Honourable Mr. Aylwin moved, seconded by Mr. Chabot, that the House do now adjourn, and that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Johnston, Lacoste, LaFontaine, Lantier, Macdonell of STORMONT, Price and Roblin.--(16.)

NAYS.

Cayley, Chalmers, Daly, Attorney General Draper, Foster, Gowan, Hale, Hall, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Powell, Robinson, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger and Webster.--(19.)

So it passed in the negative.

Mr. Johnston moved, seconded by the Honourable Mr. Aylwin, that the House do now adjourn, and that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Johnston, Lacoste, LaFontaine, Macdonell of STORMONT, and Price.--(14.)

NAYS.

Cayley, Chalmers, Daly, Attorney General Draper, Foster, Gowan, Hale, Hall, Lantier, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger and Webster.--(20.)

So it passed in the negative.

Mr. Cauchon moved, seconded by the Honourable Mr. Aylwin, that the House do now adjourn, and that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Chabot, Chauveau, DeWitt, and Johnston.--(5.)

NAYS.

Cayley, Chalmers, Daly, Attorney General Draper, Foster, Gowan, Hale, Hall, Lantier, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Powell, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger and Webster.--(21.)

So it passed in the negative.

Mr. Chauveau moved, seconded by Mr. Chabot, that the House do now adjourn, and that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Bertrand, Cauchon, Chabot, Chauveau, DeWitt, and Johnston.--(7.)

NAYS.

Cayley, Chalmers, Daly, Attorney General Draper, Foster, Gowan, Hale, Hall, Lantier, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Monro, Powell, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Stewart of BYTOWN, Viger and Webster.--(21.)

So it passed in the negative.

Chiefs and Warriors.

The Order of the Day for the House in Committee, on the Report of the Select Committee, to which was referred the Petition of Wishe Tegarehontie and others, Chiefs and Warriors, Iroquois, Algonquins, and Nepissings of St. Regis, and other places, being again read;

The House accordingly resolved itself into the said Committee.

Mr. Webster took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Webster reported that the Committee had passed an humble Address to the Queen's Most Excellent Majesty, which Address was again read at the Clerk's table, and agreed to by the House and is as followeth:--

Address to Her Majesty.

To the Queen's Most Excellent Majesty,

MOST GRACIOUS SOVEREIGN,

We, your Majesty's dutiful and loyal subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, respectfully beg leave to approach Your Majesty with unfeigned devotion to Your Majesty's Throne and Person, and to represent that we have received a Petition from certain Indian Tribes inhabiting this portion of your Majesty's Dominions, acquainting us, that it is the intention of your Majesty's Government, to discontinue to their descendants, who shall be born after the first day of May next, those annual allowances and equipments, termed presents, which have hitherto been issued to them and their forefathers, by your Majesty's Illustrious Predecessors, and beseeching us to address your Majesty in their behalf, to continue the issuing of the same as heretofore.

We further humbly represent to your Majesty, that an enquiry and examination of the subject, it seems to us that a pledge was given and

renewed from the remotest periods of British supremacy in North America,

on which the Indians have relied in advancing their present claim, and that these presents contribute most essentially to their comfort and even necessary support.

We further humbly submit to your Majesty, that in our opinion, the discontinuance of these allowances will be regarded by the Indians as a breach of a sacred compact entered into for their benefit, and that it will render them discontented, and we fear will affect their loyalty and present devotion to the Crown of England, and the Person of your Majesty.

We, therefore, with all humility, venture to submit to your Majesty, that we should not be discharging our duty to your Majesty, or towards this interesting race, (not the least important in this portion of the western hemisphere, a bright portion indeed of your Majesty's dominions,) were we to omit most respectfully soliciting upon this occasion, that your Majesty will be graciously pleased to interpose and prevent the discontinuance of these allowances to the aborigines of British North America, and their descendants.

Ordered, That the said Address be engrossed.

Railways Bill. The Order of the Day for the second reading of the Bill to consolidate in one Act certain provisions usually inserted in Acts authorizing the making of Railways, being read;

Ordered, That the said Bill be read a second time, on Monday next.

Gloucester Gore Bill. The Order of the Day for the third reading of the Engrossed Bill from the Legislative Council, intituled, "An Act for defining and establishing the course of the side lines of lots in the Gore of the Township of Gloucester, in the District of Dalhousie," being read;

The said Bill was read accordingly.

Resolved, That the Bill do pass.

Ordered, That Mr. Stewart of Bytown do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, without any amendment.

Orders Postponed. Ordered, That the remaining Orders of the Day be postponed until to-morrow, and that the House do now adjourn.

The House then adjourned.

APPENDIX, 20 APRIL 1846.

((QUESTION AND ANSWER RE: MONTREAL MUNICIPAL ELECTIONS.))[66]

MR. LESLIE enquired of the Ministry whether it was their intention to take any step for the prevention of violence and outrage at Municipal Elections in Montreal.[67]

MR. AT. GEN. DRAPER replied, that he presumed the hon. member who had put the question was not aware that no representation upon the subject had been made by the Corporation of Montreal, although it might be true; and was much to be regretted that outrages were perpetrated. It could not be expected that the Ministry were to take the initiative in such matters.[68]

((QUESTION AND ANSWER RE: SURVEY OF BAY OF QUINTE.))[69]

MR. MEYERS--made an enquiry of the Ministry respecting a survey at the head of the Bay of Quinte.[70]

MR. AT. GEN. DRAPER--replied that all the surveys made by the Board of Works since the last session would be laid before the House in a few days.[71]

((COMPLAINT RE: DELAY IN FRENCH TRANSLATION OF BILLS.))[72]

MR. CHABOT complained of the delay in translating the bills introduced into French. If there were not a sufficient number of clerks he would rather vote £100 or £200 for further assistance than suffer a delay of fifteen or sixteen days in translation.[73]

DR. TACHE did not conceive any blame could attach to the Translators the amount of business in that office being immense.[74]

FOOTNOTES - 20 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts.
2. MIRROR, 20 April 1846.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. The debate on this motion was reported by: MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts. MONTREAL GAZETTE, 22 April 1846, merely noted it.
11. MIRROR, 20 April 1846.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. The debate on this matter was reported by: MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts.
21. MIRROR, 20 April 1846.
22. IBID.
23. IBID.
24. There is a commentary on these despatches in LE JOURNAL DE QUEBEC, 23 April 1846.
25. The debate on this matter was reported by: MIRROR, 20 April 1846, PILOT, 23 April 1846, and GLOBE, 28 April 1846, in identical accounts; and MONTREAL GAZETTE, 22 April 1846, and ST. CATHARINES JOURNAL, 30 April 1846, in identical accounts.
26. MONTREAL GAZETTE, 22 April 1846,
27. MIRROR, 20 April 1846. MONTREAL GAZETTE, 22 April 1846, observed: "the very equivocal style of the Bill, caused it to be received with shouts of laughter."
28. MIRROR, 20 April 1846.
29. IBID.
30. MONTREAL GAZETTE, 22 April 1846.
31. MIRROR, 20 April 1846.
32. The debate on this matter was reported by: MIRROR, 20 April 1846, PILOT, 23 April 1846, and GLOBE, 28 April 1846, in identical accounts.
33. MIRROR, 20 April 1846.
34. The debate on this matter was reported by: MONTREAL GAZETTE, 22 April 1846, and ST. CATHARINES JOURNAL, 30 April 1846, in accounts

which are identical except that in the ST. CATHARINES JOURNAL some speeches have been omitted entirely; LA MINERVE, 23 April 1846, and MIRROR, 20 April 1846, in accounts which are identical except that in the MIRROR some speeches have been omitted entirely; and MIRROR, 20 April 1846, PILOT, 23 April 1846, and GLOBE, 28 April 1846, in accounts which are identical except that in the GLOBE some speeches have been omitted entirely.

35. MIRROR, 20 April 1846.
36. MONTREAL GAZETTE, 22 April 1846.
37. MIRROR, 20 April 1846.
38. LA MINERVE, 23 April 1846.
39. MIRROR, 20 April 1846.
40. MONTREAL GAZETTE, 22 April 1846.
41. MIRROR, 20 April 1846.
42. IBID.
43. MONTREAL GAZETTE, 22 April 1846.
44. MIRROR, 20 April 1846.
45. IBID.
46. MONTREAL GAZETTE, 22 April 1846. The ellipsis in this sentence represents two words that are illegible in the GAZETTE.
47. MIRROR, 20 April 1846.
48. LA MINERVE, 23 April 1846.
49. MONTREAL GAZETTE, 22 April 1846.
50. MIRROR, 20 April 1846.
51. MONTREAL GAZETTE, 22 April 1846.
52. MIRROR, 20 April 1846.
53. MONTREAL GAZETTE, 22 April 1846.
54. MIRROR, 20 April 1846.
55. MONTREAL GAZETTE, 22 April 1846.
56. MIRROR, 20 April 1846.
57. MONTREAL GAZETTE, 22 April 1846.
58. MIRROR, 20 April 1846.
59. There is a commentary on this matter in LE JOURNAL DE QUEBEC, 23 April 1846.
60. The debate on this motion was reported by: MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts.
61. MIRROR, 20 April 1846.
62. The debate on this motion was reported by: MONTREAL GAZETTE, 22 April 1846, and ST. CATHARINES JOURNAL, 30 April 1846, in identical accounts; MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts; and L'AURORE, 22 April 1846. The proceedings of the House on adjournment elicited editorial comments from L'AURORE, 22 April 1846, and MONTREAL GAZETTE, 22 April 1846. L'AURORE observed: "Il était prés de minuit, quand les membres de l'opposition demandèrent l'ajournment que le coté ministériel refusait de voter par rapport de quelques ordres du jour qu'il paraissait désirable de dépécher auparavant.

Les membres de l'opposition menacèrent alors leurs adversaires de les fatiguer par des motions d'ajournement qu'ils firent et renouvelèrent en effet constamment pendant près d'une heure et demie, fesant

prendre les noms sur chaque division.

Pendant ce temps leurs rang finirent par s'éclaircir graduellement et la retraite du plus grand nombre permit de disposer de ces quatre ou cinq ordres, opération qui prit moins d'une demi-heure, après deux heures, en remettant ce qui restait d'ordres sur le livre, au lendemain."

The MONTREAL GAZETTE noted: "Soon after eleven o'clock a motion was made for adjournment, which was resisted by Ministers, and lost. This led to an angry discussion, and the motion was put again and again, for, we believe, eight or nine times with a like result.

The Opposition then left the House, MR. JOHNSTON ably occupying their position, and debating every motion.

The number in the House was at length reduced to 21, inclusive of MR. JOHNSTON, whereupon the honourable gentleman called on the Speaker to count the House, and rushed out. Whereupon a motion was made for the Sargeant-at-Arms to bring him back, and the member for Carleton returned in the custody of that officer.

After a great deal of nonsense, very unbecoming a Legislative Body, the House adjourned at half past one.

63. According to MIRROR, 20 April 1846, it was Cauchon who seconded the motion.
64. MIRROR, 20 April 1846.
65. IBID.
66. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 23 April 1846; and MIRROR, 20 April 1846, PILOT, 23 April 1846, GLOBE, 28 April 1846, and LA MINERVE, 23 April 1846, in identical accounts.
67. MIRROR, 20 April 1846.
68. IBID.
69. The debate on this matter was reported by: MIRROR, 20 April 1846, PILOT, 23 April 1846, and GLOBE, 28 April 1846, in identical accounts.
70. MIRROR, 20 April 1846.
71. IBID.
72. The debate on this matter was reported by: MIRROR, 20 April 1846, and PILOT, 23 April 1846, in identical accounts.
73. MIRROR, 20 April 1846.
74. IBID.

(138)

Deputy Serjeant-at-Arms.

MR. CHRISTIE moved, seconded by the Honourable Mr. Attorney General Smith, that Mr. André Leroux dit Cardinal, do act as Deputy to the Serjeant-at-Arms, during his temporary absence, on the business of this House.

The Question having been put on the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Berthelot, Bertrand, Chabot, Chauveau, Christie, Colville, Daly, DeWitt, Dickson, Drummond, Hale, Jobin, LaFontaine, Lantier, Laterrière, Laurin, Macdonell of STORMONT, Méthot, Papineau, Powell, Price, Roblin, Rousseau, Attorney General Smith, Taché, Thompson and Viger.--(28.)

NAYS.

Aylwin, Baldwin, Boulton, Brooks, Cayley, Chalmers, Cummings, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hall, LeBoutillier, Macdonald of GLENGARY, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt, Monro, Murney, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stewart of BYTOWN, Stewart of PRESCOTT, Webster, Williams and Woods.--(33.)

So it passed in the negative.

West Halton Election.

A Petition of John O. Hatt, of the Town of Hamilton, Esquire, Chairman of the Commission appointed to receive evidence, in the matter of the Contested Election for the West Riding of Halton, was presented to the House by Mr. Williams, and the same was received and read, setting forth:--

That your Petitioner, during the last Session of your Honourable House, had the honour of receiving a warrant under the hand and seal of the Speaker of your Honourable House, appointing your Petitioner, together with Samuel Black Freeman, and Miles O'Reilly, Esquires, Commissioners, for the purpose of examining the witnesses of the Parties, in the matter of the Controverted Election for the West Riding of the County of Halton; that your Petitioner had the honour of being named Chairman of that Commission--that in pursuance of the Orders of your Honourable House, your Petitioner, at much inconvenience, feeling bound to obey the same, entered upon the duties of the said Commission. Before entering thereon, your Petitioner took and subscribed the oath required by the Act of the Legislature of the late Province of Upper Canada, passed in the eighth year of the Reign of his late Majesty, King George the Fourth, intituled, "An Act to continue and amend the Law now in force for the trial of Controverted Elections" in the schedule to the said Act marked A. thereunto annexed, in the presence of

the other Commissioners, Miles O'Reilly and Samuel Black Freeman and others then present; that after taking and subscribing the said oath, your Petitioner administered the oath to the said Commissioners, Miles O'Reilly and Samuel Black Freeman, and also the oath required by the Act, to Robert Nichol Law, the Clerk appointed to the said Commission, who severally subscribed the said oaths in the presence of your Petitioner. That your Petitioner, together with the said Commissioners, then proceeded to take the evidence adduced by the said parties to the said Controverted Election; that after taking the said evidence, and examining all the witnesses adduced and named in the lists furnished by your Honourable House, and called by the parties to the said Controverted Election, your Petitioner, with the other Commissioners, Miles O'Reilly and Samuel Black Freeman, then caused a copy of the Minutes of their proceedings and the evidence so taken by them, to be made, and after comparing the same, immediately and without any possible delay, transmitted the same, certified, under their hands and seals, forthwith to the Speaker of your Honourable House, to be disposed as by law is required. That your Petitioner, since executing the said Commission, has received from your Honourable House, an order directing your Petitioner, and the other Commissioners, forthwith to attend at the Bar of your Honourable House, to answer certain neglect therein alleged to have been committed by them, for not having complied with the orders of your Honourable House, and the Statute, in conducting their proceedings under the Commission, upon which your Petitioner and the other Commissioners acted; and that the said Commissioners should bring with them the original Minutes of their proceedings, taken under the said Commission. That your Petitioner, upon reviewing the proceedings had under that Commission, cannot perceive that your Petitioner and his Bro-

(139)

ther Commissioners have been guilty of any neglect in the discharge of the onerous duties imposed upon them by your Honourable House, which they felt, on receipt of the order of your Honourable House, they were in duty bound to perform, although at a great personal sacrifice. That your Petitioner, and Samuel Black Freeman, are now in attendance at the Bar of your Honourable House, in obedience to its orders, and have with them the original Minutes of their proceedings, and the evidence taken therewith. That your Petitioner has endeavoured, to the best of his ability, to perform the duties required of him by your Honourable House, under the solemn oath taken before entering upon the said Commission, and has in all respects, in the opinion of your Petitioner, complied with the orders of your Honourable House, and the Statute under which the said Commissioners and your Petitioner acted. Your Petitioner would therefore humbly pray, your Honourable House would direct your Petitioner to be relieved from further attendance at the Bar of your Honourable House.

A Petition of Samuel Black Freeman, Esquire, one of the Commissioners appointed to receive evidence in the matter of the Contested Election for the West Riding of Halton, was presented to the House by Mr. Williams, and the same was received and read, setting forth:--

That he, and the other Commissioners and Clerk, took the oaths prescribed by law in that behalf, before proceeding to business, and that afterwards, in every respect, conformed to and obeyed the provisions of the law and the command of the Warrant of the Speaker of your Honourable House, to take and receive evidence in the matter of the Controverted Election of West Halton, to the best of his knowledge and judgment. He therefore prays that your Honourable House will be graciously pleased to discharge him.

Petition laid on the table.

The following Petitions were severally brought up and laid on the table.

By Mr. Scott,--The Petition of John Oswald and others, inhabitants of the Parish of St. Augustin, in the County of Two Mountains; the Petition of L. E. Globensky and others, of the Parish of Ste. Scholastique, in the County of Two Mountains; and the Petition of William Morrin, Esquire, and others, of the Parish of St. Augustin, in the County of Two Mountains.

By the Honourable Mr. Attorney General Smith,--The Petition of Charles [illegible] and others, of Shefford and other Townships, in the Districts of Shefford, and of Saint Johns; the Petition of William Baker and others, Trustees of Dunham Academy; and the Petition of Andrew Billing and others, of the Township of Sutton, in the County of Missisquoi.

By the Honourable Mr. Baldwin,--The Petition of Hosea Shaw and others, of Brock and other Townships, in the Home District.

By Mr. Lantier,--The Petition of Philip Hoofstetter and others, of the Parish of St. Joseph de Soulanges, in the County of Vaudreuil.

By Mr. Woods,--The Petition of the Reverend William H. Hobson and others, members of the United Church of England and Ireland, in the Parish of Chatham, in the Diocese of Toronto.

By Mr. Macdonald, of Glengarry --The Petition of the Reverend William Fraser and others, inhabitants of the Settlement of Breadalbane, Glengarry.

By Mr. Meyers,--The Petition of the Reverend J. Wilson and others, members of the United Church of England and Ireland, in the Mission of Colborne and Grafton, in the Diocese of Toronto.

By Mr. Webster,--The Petition of James Hamilton and others, of Dumfries, Waterloo, and other Townships.

By Mr. Monro,--The Petition of William Armstrong and others, members of the United Church of England and Ireland, in the Townships of Markham and Vaughan, in the Diocese of Toronto.

By Mr. Cummings,--The Petition of the Reverend William Leeming and others, members of the United Church of England and Ireland, in Stamford, in the Parish of Chippewa, in the Diocese of Toronto.

By Mr. Powell,--The Petition of Phillip Austin, President, and James [illegible], Secretary of the Talbot District Agricultural Society.

By Mr. Smith of Wentworth,--The Petition of the Reverend John Harbin and others, the Ministers and Members of the "New Jerusalem Church."

By Mr. Laurin,--The Petition of S. F. Goudreault, Esquire, and others, of the Parish of St. Jean des Chaillons, in the County of Lotbinière; and the Petition of Jean Baptiste Laliberté, Lieutenant in the First Battalion of Militia of the County of Lotbinière.

By Mr. Gowan,--The Petition of Frederick Mack and others, members of the United Church of England and Ireland, in Amherstburgh and its vicinity, in the Diocese of Toronto; and the Petition of Robert Ferguson and others, of Kitley, and other Townships, in the County of Leeds.

By Mr. Hale,--The Petition of Archibald Campbell, Esquire, and others, of the City of Quebec.

By Mr. Boulton,--The Petition of H. B. Willson and others, members of the United Church of England and Ireland in the Township of Hamilton, in the Gore District, in the Diocese of Toronto; and the Petition of John O. Hatt and others, members of the United Church of England and Ireland in the Town of Hamilton, in the Diocese of Toronto.

By Mr. Chabot,--The Petition of Julien Chouinard, Esquire, and others, of the City of Quebec.

"Bible Christians" Relief Bill. *An Engrossed Bill to extend the benefit of a certain Act of the Parliament of Upper Canada, therein mentioned, to the Ministers of the denomination calling themselves "Bible Christians;" and also, to extend the benefit of the said Act to a certain other denomination styling themselves "Christians," was read for the third time.*

Resolved, That the Bill do pass.

Ordered, That Mr. Williams do carry the said Bill to the Legislative Council, and desire their concurrence.

Bronté Harbour Bill. *An Engrossed Bill to revive and extend an Act of the Parliament of Upper Canada, 3d Victoria, chap. 33, intituled, "An Act to incorporate certain persons under the name and style of the President, Directors, and Company of the Bronté Harbour," was read for the third time.*

Resolved, That the Bill do pass.

Ordered, That Mr. Chalmers do carry the said Bill to the Legislative Council, and desire their concurrence.

Petition of J. Villers, Esq., et al, referred. *Ordered, That the Petition of Jean Villers, Esquire, and others, of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, in the District of Quebec, be referred to the Select Committee, to which was referred the Petition of Julien Demers, Esquire, and others, of the Parishes of Ste. Croix and St. Flavien, in the County of Lotbinière, and other references.*

(140)

Middlesex Election. *Mr. Dickson, Chariman of the Select Committee, appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parliament; reported that the Committee met this day, pursuant to adjournment, but were unable to proceed to business, in consequence of the absence of*

Messieurs Seymour, Lacoste, M'Connell and Williams.

Members to attend To-morrow. *Ordered, That Mr. Seymour, Member for the County of Lennox and Addington, Mr. Lacoste, Member for the County of Chambly, Mr. M'Connell, Member for the County of Stanstead, and Mr. Williams, Member for the County of Durham, do severally attend in their places in this House to-morrow.*

Address, King's College. *Mr. Price moved, seconded by the Honourable Mr. Baldwin, that an humble Address be presented to His Excellency, the Administrator of the Government; praying that His Excellency will be pleased to cause to be laid before this House, copy of any charge or charges that may have been made to the Chancellor of the University of King's College, for the time being, since the opening of the University, against any of the members of the College Council, with their answers to such charge or charges, and all documents connected with the same.*[1]

MR. AT. GEN. DRAPER would not take upon himself to say that the papers would be forthcoming.[2]

MR. PRICE said, that from what he had been told, the papers they desired were in the hands of the Government.[3]

MR. AT. GEN. DRAPER did not intend to divide the House on the subject; but he considered, as Executive Councillor, he had nothing to do with the College. The Governor was Chancellor, as Governor, but in his authority as Chancellor he had no power as the Governor of the Province.[4]

MR. BALDWIN was surprised at the course taken by the Atty. Gen. in reference to this matter. As Chancellor the Governor holds his power because he is the Governor General; there is no special appointment; he is so by the charter - by the law of the land. Such being the case, such papers as are in his power, and are of public interest, ought to be published, for he holds them in his political capacity. If, however, the papers ought not to be brought down to that House, then he considered that the Ministry ought to object to the address, for he did not think it consistent with the dignity of that House that they should vote addresses for papers, and should be returned for answer, that they could not be communicated. It is (said Mr. B.) a matter of public rumour that the affairs of King's College are in a deplorable state; that the whole internal concerns of the College are in confusion - that charges of shameful mismanagement had been made against one or more of the officers - is it, he would ask, not to be considered as an affair of public importance? In the absence of some good reasons, the House ought to support the address.[5]

MR. AYLWIN - The distinction of the Atty. General is certainly a very fine one, but it was a distinction without a difference, a distinction which the learned Attoney (sic) General would find out could not be made to this House. It had been said that the Governor as Governor could not demand any papers to be communicated to this House, now

he denied it, what he would ask, placed him in the office of Chancellor, his office of Governor, and was he not placed there to represent the people, and to be the means for procuring information respecting the affairs of the College; he would again ask what made the Attorney General, as member of the Council, but his office of Attorney General were he not placed there as a Government officer as the representative of the people of Canada, there might be some good reason for refusing the papers, but this was not he conceived the true principle of Responsible Government. If the Ministry are not prepared to advise the papers to be sent down, then let them make a stand. (Hear, hear.) He believed that charges of the most flagrant description had been circulated concerning the University, indeed such as to call for some one to come forward and contradict them. He had been told by the public prints and otherwise, that it was a nursery of vice and immorality, he did not know whether the charges were true or not, but he should insist on a strict scrutiny being gone into on the subject. He considered that there must have been either the grossest mismanagement or the vilest calumny, if there has been mismanagement, there ought to be an investigation, and the abuse remedied; if there has been no mismanagement, then the public ought to be undeceived on the matter. He would say that it came with a very bad grace from the Attorney General to refuse the papers. Last session he introduced a bill for the remodelling of the Charter, and he then declared that he would stand or fall by the bill, and now no mention is made of the measure. A member of the opposition refers to the subject, and he is told there is no person responsible for the production of the papers; stuff like this may be palmed off on a country jury, but the Attorney General may depend that it cannot be done so here. He considered that an institution like King's College, founded by public money, and which had been persevered (sic) from being an institution for general learning, to a sectarian, ought not to escape the observation of the House; he trusted that the most ample information would be given.[6]

(140)

Amendment. *Mr. Boulton moved in amendment, seconded by the Honourable Mr. Aylwin, that the following words be added to the said motion: "And also all communications that have taken place between His Excellency, as Chancellor of the University of King's College, and the said College, with the answers thereto, as also any correspondence from other institutions in this Province, in reference to King's College"*

The Question having been put upon the motion of amendment, it was agreed to unanimously.

The hon. member, MR. BOULTON, said that he was as anxious as any member of that House that the most complete information should be furnished, (hear, hear) and he did not doubt that it would be fully proven that King's College was grossly calumniated, and that so far from its being correct that the enormous abuses spoken of existed it would be found that the College was as well conducted as any similar Institution.[7]

MR. MOFFATT was unwilling to support the address unless it could be shewn that it was the only means by which the information desired could be obtained because he thought it wrong to press applications upon the head of the Government that could be otherwise disposed of.[8]

MR. AT. GEN. DRAPER explained that he had no intention to oppose the address but only wished to state distinctly a view he had long entertained and which he had expressed in that House last session before he had been yet 48 hours in his seat.[9]

MR. PRICE was informed that all the information he required was in the hands of the Governor General and therefore it was that he had moved the address. He was glad to hear that the hon. member for Toronto (Mr. Boulton) was also anxious for the information sought for by him (Mr. Price), and when that learned member stated that proofs would be produced of King's College being excellently managed, he relieved him (Mr. P.) from quite a load of anxiety, (laughter) because the general impression abroad was that matters were otherwise, and that a vast amount of corruption existed in that Institution. Last year he (Mr. Price) moved for certain information, and although it must have been known precisely what was desired, yet the very opposite was furnished. This was neither creditable, honest, or just, but was well calculated to confirm the public distrust with the management of the University. King's College possessed a Royal Charter, but it was held in trust for the people of Canada and the public were therefore deeply interested in all that concerned the Institution, and especially in its internal management; and he (Mr. P.) would add, the managers themselves were interested in giving the fullest information respecting question which were so much spoken of and which gave rise to serious suspicions. The fullest information had been furnished to the Legislature of Upper Canada upon this interesting subject in answer to the addresses to the Head of the Government; and upon what principle the same information is now denied to the Legislature of United Canada, he (Mr. Price) was at a loss to understand. If hon. members would look into the Journals of the House of Assembly, from the period of the union for many years back, they would find year by year addresses were carried and information obtained upon the subject without resistance from the Government of the day. - He had now in his hand the Journals of 1839, in which an address to the Head of the Government upon this subject is recorded, and the Appendix to these Journals contains a full account of the affairs of King's College sent down to Parliament in answer to that address. His motion was, therefore, based on powerful and ample precedents. He trusted that it would be carried, and the information it asked for granted.[10]

MR. MOFFATT was now satisfied by the appendix referred by the hon. member who spoke last that the adoption of the Address would be a regular course and he would therefore support it.[11]

MR. BOULTON thought that he had been misunderstood by the hon. member opposite (Mr. Price). He Mr. Boulton did not mean to say that proof of the proper management of King's College would be positively

furnished - that would imply that he spoke from authority, he merely meant that such were his (Mr. Boulton's) own opinion. All the petitions presented in reference to the College, and in which hon. members opposite were so much interested, were ill founded; tests were petitioned against altho' it was known that no test existed in the College; the appointment of a Professor of Agriculture was prayed for when the council of the College were actually engaged in the consideration of the subject. These were mere pretexts. The grand aim of the Sectarians was to destroy the influence of the Church of England in the institution, an influence that was guaranteed to her by the very Charter.[12]

MR. PRICE said that so far from being concerned in getting up the petitions complained of by the hon. member he had not attended a single meeting at which they were discussed, nor had he signed one of them; he purposely avoided doing so because he knew it would be his duty to present and support them in Parliament.[13]

(140)

The Question being then put on the main motion, as amended, it was agreed to, and

Resolved, Accordingly.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Fish Protection Bill, (U. C.) — *Ordered, That Mr. Dickson have leave to bring in a Bill to prevent persons Fishing with Nets on the shores of Lakes in Upper Canada, from the tenth of June to the first of September, in each year. He accordingly presented the said Bill to the House*[14]

MR. SOL. GEN. SHERWOOD - asked the hon. member to explain the nature of the bill.[15]

MR. DICKSON said that the bill was predicated on a petition from certain fishermen which set forth, that persons fished for bait for salmon, and by that means the spawn was injured, and petitioned that such fishing might be prevented by law during the months of August and September.[16]

(140)

and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Printed. — *Ordered, That the Petition of James Ferrier, Esquire, Mayor, and others, Members of the Municipal Council of the City of Montreal, be Printed for the use of the Members of this House.*

On motion of the Honourable Mr. Robinson, seconded by the Honourable Mr. Moffatt,

Railroads. — *Resolved, That the Quorum of the Select Committee on*

Railroads be reduced to Five, the House having granted leave of absence to Mr. Prince and Mr. Cameron.

West Halton Election. *The Order of the House for the appearance of John Oailvie Hatt and Samuel Black Freeman, Esquires, Commissioners appointed to receive evidence on the Contested Election for the West Riding of the County of Halton, at the Bar of this House, being read;*[17]

MR. SCOTT said, the questions that are to be put to these gentlemen ought to be communicated before they be called upon to appear at our bar.[18]

MR. WILLIAMS - The course that he intended to pursue was marked out in the book he held in his hand, which was the course adopted in the House of Commons in similar cases. These Commissioners presented a petition this day to the House, and the Speaker would first ask them if they had any thing further to state, than what was stated in this petition, in extenuation or explanation of their conduct. Any member of the House could then put any question to them, and after this, He, as chairman of the committee, would make a motion with respect to the punishment that ought to be awarded to these Commissioners.[19]

MR. BALDWIN did not wish to interfere with the hon. member for Durham, but he considered that the House has a right to order the return to be made perfect; all Courts have a power to cause imperfect returns to be corrected, and by analogy, this House has that power. And he (Mr. B) considered that this ought to be done even though the Committee had finally decided the election, for this House ought to see that its officers attended to the duty imposed upon them by law. If the House discovers that the neglect complained of, has resulted from a misconception of the statute, and not from a wilful disregard of duty, of course, the punishment they would inflict, would not be so great.[20]

MR. WILLIAMS - thought the House had no controul over the matter, and could not order the return to be amended. The Commissioners had that day appeared before the Committee with their original proceedings; and being duly sworn, they stated that the oaths had been duly administered[21], ((but the fact that they omitted)) the "jural," in the oaths of office[22] had not ((been)) mentioned ... in the minute of their proceedings - they did not consider it necessary. The Committee then proceeded to business, and they did not think it necessary to have the return amended.[23]

MR. LANTIER, a Member of the Committee, said that in his opinion this was not all the charge against the Commissioners.[24] There are other informalities in the proceedings besides the want of the jural. It appears that the Commissioners have adjourned[25], from time to time and from place to place,[26] for a longer period than was allowed by law[27], and without the same being set forth in their return.[28]

The hon. member was called to order for stating a fact that was not reported by the Committee.[29]

MR. WILLIAMS said that that charge was not yet come to; the first accusation had to be disposed of now; at a future time the House could take up the other matter.[30]

MR. AYLWIN - suggested that the Commissioners should be ordered to withdraw and to appear before the House on some future day, before which the Committee might report regarding those other irregularities that had been spoken of.[31]

MR. SHERWOOD (Brockville) - considered that it was not right to keep the Commissioners here any longer. They had appeared before this House, and had in his opinion, sufficiently explained their conduct, and the House ought not in any way to interfere with the Committee.[32]

(140)

The said Commissioners were accordingly called, and appeared at the Bar of the House.

John Ogilvie Hatt, Esquire, interrogated.

Have you anything further to state in extenuation of your conduct, than that embraced in your Petition to this House this day?--I have nothing further to state to this Honourable House.

Samuel Black Freeman, Esquire, interrogated.

Have you anything further to state in extenuation of your conduct, than that embraced in your Petition to this House this day?--Nothing further.

Ordered, That John Ogilvie Hatt, and Samuel Black Freeman, Esquires, be directed to withdraw.

Mr. Hatt and Mr. Freeman then withdrew.

MR. BALDWIN was desirous of asking the Commissioners whether the oaths contained in the statute, under which the Commission issued, were taken by the Commissioners and Clerk before the proceedings were commenced. He wished to have this fact placed upon their journals.[33]

MR. AT. GEN. DRAPER. - This fact has been elicited before the Committee, and it will appear in the record of their proceedings. The Commissioners have stated in their petition that the oaths were duly administered, and this petition forms part of the proceedings, in consequence of the question just put by the Speaker. He (Mr. D.) considered that the House could not interfere in any way with the Commission, as it was not opened before the House, but was handed by the Speaker to the Chairman, sealed.[34]

MR. BALDWIN would not press the question.[35]

(140)

The Honourable Mr. Baldwin moved, seconded by Mr. Price, that the Chairman of the Select Committee, appointed to try the merits of the Petition against the Election and Return of the Sitting Member for the West Riding of Halton, be directed to attend in his place, with the Commission to take evidence, issued in that matter, and the Return to the same.

MR. DUGGAN. - This motion ought not to be adopted. The moment the commission was handed by the Speaker to the Chairman of the Committee, it was out of the power of the House to interfere. The hon. member (Mr. Baldwin) is anxious to assist the Committee, when they have not required that assistance.[36]

(140)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Baldwin, Berthelot, Bertrand, Bouthillier, Chauveau, Desaulniers, Dewitt, Franchère, Jobin, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonell of STORMONT, Merritt, Méthot, Price, Rousseau, Taché, and Thompson.--(22.)

NAYS.

Aylwin, Boulton, Brooks, Cayley, Chabot, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, Johnston, Lacoste, Leboutillier, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTOWRTH, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Williams, and Woods.--(49.)

So it passed in the negative.

MR. WILLIAMS. - It appears by the original proceedings that the defects complained of exist in them, and the committee had only verbal evidence that the oaths were administered. He (Mr. W.) exonerated the Commissioners from any wilful neglect of their duty, but they had acted contrary to the law, and he would therefore move that the Commissioners be admonished, and the order for their appearance be discharged[37]

(140)

Mr. Williams moved, seconded by Mr. Chalmers, that the Order of this House of yesterday, for the appearance of John Ogilvie Hatt and Samuel B. Freeman, Esquires, Commissioners appointed to take and receive evidence in the matter of the Contested Election for the West Riding of the County of Halton, at the Bar of the House, be discharged; and they be admonished and discharged.

Mr. Sherwood of Brockville moved, in amendment, seconded by Mr. Merritt, that all the words after the word "That," in the said motion, be struck out, and the following substituted, "The said John Ogilvie Hatt, and Samuel Black Freeman, Esquires, be discharged, and that the Clerk of the House be directed to refund to them the amount of expenses incurred by them in obeying the Order of the House."

MR. SOL. GEN. SHERWOOD opposed the amendment. He did not believe the

error committed by the Commissioners was intentional, but still it was an error which had caused delay to the proceedings of the Committee, and much trouble to that House. He did not therefore consider it right that the House should remunerate them for their own mis-conduct.[38]

MR. BOULTON would vote for the amendment rather than the original motion; the error was one of judgment and ought not to be visited so heavily upon them as to make the Commissioners pay the heavy expences which their forced attendance in Montreal had entailed on them.[39]

MR. MCCONNELL considered the amendment as altogether premature, and he hoped it would be withdrawn. From what had fallen from a member of the Committee, it appeared that it was probable, that yet some error might be found in the proceedings of the Commissioners, which would vitiate the whole. On this account it would be improper to pay their expences at this moment.[40]

MR. SOL. GEN. SHERWOOD said, that the Commissioners were brought before the House to answer a specific charge made aganist them in the report of the Committee. It was alleged against them that there was no evidence on the face of their proceedings to show they had taken the oaths required by law, by not showing which, they had been guilty of neglect. No other charge but this could be entertained at this time. The charge of neglect had been established by the evidence of the Commissioners themselves; the House had by adopting the report of the Committee pledged itself to consider the omission a neglect. He could not therefore vote to establish so bad a precedent as to charge on the funds of the Province expences incurred by the neglect of these Commissioners.[41]

Messrs. BALDWIN and AYLWIN were of a like opinion.[42]

(140)

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Dickson, Ermatinger, Hale, Hall, Macdonald of CORNWALL, Macdonald of KINGSTON, Merritt, Meyers, Moffatt, Riddell, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Thompson, Webster, and Woods.--(18.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Cayley, Chabot, Chalmers, Chauveau, Christie, Daniel, Cummings, DeBleury, Desaulniers, DeWitt, Attorney General Draper, Drummond, Duggan,

(141)

Foster, Franchère, Gowan, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeBoutillier, LeMoine, Leslie, Macdonell of DUNDAS, M'Connell, Méthot, Monro, Murney, Nelson, Papineau, Powell, Petrie, Price, Roblin,

Rousseau, Seymour, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Viger, and Williams.--(53.)

So it passed in the negative.

Mr. Boulton moved in amendment, to the main motion, seconded by Mr. Smith of Frontenac, that the words "admonished and," in the said motion, be struck out.

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Cayley, Colville, Cummings, DeBleury, Dickson, Drummond, Ermatinger, Foster, Hale, Hall, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Merritt, Meyers, Moffatt, Monro, Riddell, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Thompson, Webster, and Woods.--(32.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chabot, Chalmers, Chauveau, Christie, Desaulniers, DeWitt, Attorney General Draper, Duggan, Franchère, Gowan, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeBoutillier, LeMoine, Leslie, Méthot, Murney, Nelson, Papineau, Powell, Petrie, Price, Roblin, Rousseau, Scott, Solicitor General Sherwood, Attorney General Smith, Taché, Solicitor General Taschereau, Viger, and Williams.--(42.)

So it passed in the negative.

The Question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Cayley, Chabot, Chalmers, Chauveau, Christie, Colville, DeBleury, Desaulniers, DeWitt, Attorney General Draper, Duggan, Franchère, Gowan, Hale, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeBoutillier, LeMoine, Leslie, Macdonell of DUNDAS, Méthot, Murney, Nelson, Papineau, Powell, Petrie, Price, Rousseau, Scott, Solicitor General Sherwood, Attorney General Smith, Taché, Solicitor General Taschereau, Viger, and Williams.--(46.)

NAYS.

Boulton, Brooks, Cummings, Dickson, Ermatinger, Foster, Hall, Macdonald of CORNWALL, Macdonald of GLENGARRY, M'Connell, Merritt, Meyers, Moffatt, Monro, Riddell, Robinson, Roblin, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Thompson, Webster, and Woods.--(26.)

So it was carried in the affirmative, and

Ordered, Accordingly.

Mr. Speaker acquainted the House that he intended addressing the Commissioners in the words following: viz.

John Ogilvie Hatt and Samuel Black Freeman, Esquires,

You are no doubt aware of the importance of the adjudication of the Election Committee, as well as of this House, in the present matter. It is the more so, that the effect of the neglect of duty on your part on the Election contested, may not be eventually in every respect within the power of the House.

It is therefore my duty to admonish you, by Order of the House, for the better guidance in future, as well of yourselves as of others, and having done so, I intimate to you the further Order of the House that you be discharged from further attendance.

Ordered, That John Ogilvie Hatt, Esquire, and Samuel Black Freeman, Esquire, do now attend at the Bar of the House.

The said John Ogilvie Hatt, Esquire, and Samuel Black Freeman, Esquire, were then called to the Bar of the House, and admonished by Mr. Speaker, and discharged.

Then they withdrew.

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

6 Vic. cap. 31, and 8 Vic. cap. 3. *Ordered, That the Order of the Day for the House in Committee to take into consideration the propriety of amending the Act 6 Vic. cap. 31, and the Schedule of Duties granted by 8 Vic. cap. 3, be now called.*

The Order of the Day for the House in Committee to take into consideration the propriety of amending the Act 6 Vic. cap. 31, and the Schedule of Duties granted by 8 Vic. cap. 3, being read;[43]

MR. INSP. GEN. CAYLEY ....moved the House into Committee on a Resolution to repeal Act 6 Vict. Chap. 31.[44]

(141)

The House accordingly resolved itself into the said Committee.

Mr. Méthot took the Chair of the Committee,

MR. AT. GEN. DRAPER rose and stated that owing to the vote given on a previous evening, he had felt called upon to ask an adjournment of the House to consider the steps to be taken by himself and colleagues thereupon.[45] ((He now)) considered it his duty to offer some explanation of the position in which he stood. The question then about to be placed before the Committee was the same which had been already before it on Friday last. Since then[46] il avait eu une entrevue avec ses amis[47] ((and)) had the satisfaction to receive from ... ((those)) hon. friends who upheld him in the discharge of his duty, the warmest[48] assurances of confidence and support[49] (Hear, hear)[50] ((so)) that they felt they would not be justified in declining to carry on the Government[51]. Tant que cet appui ne lui manquerait pas, il croyait qu'il

était de son devoir de servir Sa Majesté.[52] He would therefore return his most sincere thanks to his hon. friends; feeling convinced, that however unfortunate he might be in differing from them at times on minor points yet on great questions they all had but one object in view,[53] "the peace, welfare, and happiness of this great colony."[54] (Cheers.)[55]

MR. INSP. GEN. CAYLEY ((read the resolutions he was about to propose.))

Resolved, That in the opinion of this Committee, it is expedient that so much of the Act 6 Vict., chap. 31, as relates to the imposition of a duty of 3s. sterling per quarter, on Foreign Wheat imported into this Province, be repealed.

Resolved, That a duty of 3s. sterling per quarter be imposed upon all foreign Wheat imported into this Province, except for the purpose of exportation, or to be ground in Bond, for exportation.

Resolved, That in the opinion of this Committee, it is expedient that so much of the Schedule of Duties imposed by the Act 8 Vict. Chap. 3, as relates to the imposition of a duty of 3s. sterling per quarter on Maize or Indian corn imported into this Province from a Foreign Country, be repealed.

Resolved, That a duty of 3s. sterling per quarter be imposed upon all Foreign Maize or Indian Corn introduced into this Province except for the purpose of exportation.

Resolved, That in the opinion of this Committee it is expedient that so much of the Schedule of Duties imposed by the Act 8 Vict. chap. 3, as related to the imposition of a duty upon Muscovado, Clayed, Bastard and other Sugars not refined, imported into this Province, be repealed.

Resolved, That a duty of 7s. 6d. sterling per cwt. be imposed upon Muscovado, Clayed, Bastard and all other Sugar not refined, imported into this Province. (Present duty 9s. 4d. Sterling)

Resolved, That in addition to the articles enumerated in the Schedule to the said Act 8 Vic. chap. 3, on which duties are imposed, all descriptions of Dyewoods be subject to and charged with an ad valorem duty of one per cent.

Resolved, That in the opinion of this Committee, it is expedient that so much of the Schedule of Duties imposed by the Act 8 Vic. chap. 3, as relates to the imposition of duties upon Leather in Leather Manufactures imported into this Province, be repealed.

Resolved, That an ad valorem duty of five per cent be imposed upon all kinds of manufactured or unmanufactured Leather, the production of Great Britain or of the British Colonies, imported by Sea, or direct from any British Colony; and that on Leather or Leather Manufactures otherwise imported, the following duties be imposed: - that is to say.

Present Duties.

5s. - On Coat skins, tanned, tawed or in any other way dressed, per dozen... 5s.

2s.6d. - On Lamb or Sheep Skins, tanned, tawed or in any way dressed, per doz.... 2s. 6d.

6d. - Calf Skins, ... tanned, tawed or in any way dressed, per lb.... 4d.

3d. - Kip Skins, tanned, tawed, or any way dressed, per lb.... 2d.
2d. and 1½d. - Harness Leather, Upper Leather and Sole Leather, per lb.... 1½d.
6d. - Leather cut into shapes, per lb ... 4d.

LEATHER MANUFACTURES.

7s. 6d. - Women's Boots, Shoes and Calashes of Leather, per 12 pairs, 5s.
7s. 6d. - Women's Boots and Shoes of Silk, Satin, Jean, or other Stuffs, Kid or Morrocco, per dozen pairs, ... 5s.
2s. 6d. - Girl's Boots, Shoes and Calashes of Leather, under seven inches in length, per dozen pairs . . . . . 2s.
3s. - Girl's Boots and Shoes of Silk, Satin, Jean or other Stuffs, Kid or Morrocco, per dozen pairs . . . . . 2s.
2s. 6d. - Men's Boots, per pair . . . . . 1s.3d.
1s. - Men's Shoes, do . . . . . 6d.
1s. 3d. - Boy's Boots, under 8 in. in length per pair . . . . . 9d.
6d. - Boy's Shoes, under 8 in. in length per pair . . . . . 4d.[56]

Mr. Cayley said that the resolution he was now about to move, having already found the subject of debate on Friday evening, he did not intend to enter into the question at length, stating merely that his present object was to extend the commercial operations of the Province by the removal of the duty on foreign grain for the purposes of exportation, which he could not conceive would have any bad effect on the colonial market. And he would remark that during the discussion of that question on the last occasion, he had not heard any argument which would shake his position. He would rather be inclined to consider that the colonial market would be benefited by the increase of the forwarding business and the supply of the increased number of sea going vessels visiting our ports. There was one remark which an hon. member had made on a previous occasion which he considered worthy of reply. It was that the object he (Inspector General) sought for was merely to obtain a transit trade for the colony. Hon. members were well aware what a small place "Hamburgh" is with no resources, no exports of her own, and yet by engrossing the carrying trade of Europe, its trade was immense. In the same manner he wished to secure to the Province the exportation, the transit of the surplus grain of the United States by removing every obstruction, and he would here mention that he had been informed by a Mr. Hall that in consequence of the Shoals in Lake St. Peter, vessels coming up to Montreal incurred an expense of $4 per ton, amounting to the sum of £8,000 annually. This was a heavy expense annually incurred, and which he would be happy to see removed, and every possible effort made to secure to the Province the transport of American Wheat and Flour. How was it that even with a duty on it, the produce of our neighbours still found its way here? They have a large surplus, we have a surplus also, remove then the duty of 3s. on grain imported for the purpose of exportation and carry as large a quantity of their surplus and our own as you can find sale for. He would again say that he had heard no argument which he conceived shook his position, he would not however detain the House longer having already stated his views at length on a proceeding

(sic) evening.[57]

MR. CAUCHON. - Comme on m'a accusé d'être la cause de la terreur, de la panique qui s'est répandue, vendredi soir dans le camp ministériel, (écoutez, écoutez), comme d'après ce que nous a dit tout-à-l'heure l'honorable procureur général pour le Haut-Canada, de la courbette (rires prolongés) que ceux qui siègent de l'autre côté de la chambre ont été forcés de faire devant l'impérieuse volonté de cet honorable monsieur, il n'est que juste que je leur fasse amende honorable pour une pareille humiliation. (Rires) Je ne serais pas même surpris de voir quelqu'un d'eux se lever pour me faire amener à la barre de la chambre et me faire donner une verte admonition par vous M. l'orateur, pour avoir osé porter de pareilles atteintes à leur liberté et à leur indépendance. (Ecoutez, écoutez,) L'Hôtel de M. Têtu sera célèbre dans les fastes parlementaires (rires des deux côtés de la chambre) car c'est là que l'honorable procureur général leur a dit: "Vous avez raison, mais qu'importe cette raison, il faut que ma volonté domine, vous avez raison, mais il faut que vous votiez avec moi, car j'ai de puissants moyens de vous prouver que vous avez tort (on rit). Si vous n'êtes pas plus obéissants à l'avenir je vous fustigerai d'une manière exemplaire."[58]

Avant que de voter sur cette mesure importante, je me permettrai quelques observations. L'hon. procureur-général pour nous prouver l'excellence de sa cause, a oublié une chose essentielle, c'est d'établir la comparaison entre le coût du transport d'un lieu donné des Etat-Unis par les Etats-Unis, à Liverpool, et celui du transport du même produit du même lieu, par la voie du Saint Laurent à Liverpool. (Ecoutez, écoutez): c'est là quelque chose de bien essentiel, car si après calcul fait, le coût du transport par les Etats-Unis était moindre que par le Canada il s'en suivrait que nous législaterions pour rien.

Je ne veux pas revenir sur les raisons puissantes que j'ai données vendredi pour faire voir que le temps n'est pas encore venu pour une pareille législation; mais je me permettrai du moins de revenir sur les plus essentielles[59].

Question, question, du côté ministériel.[60]

MR. CAUCHON ((continua:)) ces messieurs crient question probablement parce qu'ils ne me comprennent pas, pourtant la langue que je parle est assez belle pour qu'on dût se donner la peine de l'étudier (applaudissements). Mais puisqu'on est si indulgent quand je parle en anglais, je vais le faire, bien qu'il ne me soit pas agréable de parler une langue que je sais si peu. Pour me récompenser de ce sacrifice, j'espère que l'on aura la complaisance de m'écouter un peu.[61]

C'est bien, oui![62]

L'orateur, M. CAUCHON, parle anglais pendant quelque temps[63]. ((He)) considered the measure hasty and totally unfit for the Colonial system; he could however have wished that the Hon. Inspector General had brought forward some calculations to support his theories. He (Mr. C.) had stated when the question was last under discussion, and his

arguments had not been met that although England from her position might be able to force other nations to adopt free trade principles, it did not be any means follow that we in this colony could follow in her footsteps with advantage. Free trade was a very fine theory, but he (Mr. Cauchon) could not understand the justice of abandoning protection on the other side of the Atlantic and maintaining at the same time all the old restructions (sic) on this side. He (Mr. C.) thought that if free trade principles were to be carried out, our commerce should be free with all the nations of the world. We were not to be called on to yield all the advantages of our Colonial protective system, without at least getting some equivalent.[64]

The hon. member was interrupted by repeated cries of "question."[65]

He, MR. CAUCHON, said he was convinced by the cries of "question" from the ministerial benches that anything he might say would not lead to conviction.[66]

MR. JOHNSTON called the hon. gentleman to order, he knew nothing of the question before the chair and would do better to sit down (order, order.)[67]

MR. CAUCHON expressed his gratification at the attention of the hon. member for Carleton, but felt perfectly convinced that he also understood but little of the matter and was incapable of discussing it.[68] Et ((il)) continue en français. Je répète ce que j'ai dit l'autre jour, la question n'a pas été discutée (écoutez) par messieurs les ex-ministres, ils n'ont pas jugé à propos de la présenter sous son véritable point de vue; elle est de la plus haute importance, il est donc essentiel de ne pas l'adopter avant de l'avoir profondément mûrie et méditée (très bien!) La liberté du commerce est la question la plus grave que (sic) ait peut-être jamais occupé l'attention des hommes d'état. Ce n'est pas peu de chose que de changer d'un seul coup la face du monde commercial. La magnifique attitude prise par Sir R. Peel en face et de son pays ((et)) de l'univers entier tente probablement l'imitation (écoutez) et j'ai cru en effet entrevoir ce désir chez les honorables messieurs qui siègent sur la banquette ministérielle (rires prolongées (sic)). J'approuverais une pareille imitation si elle était possible, si nous étions en position de l'effectuer; mais avant d'y songer, il convient de comparer les situations respectives de l'Angleterre et du Canada sous le rapport du commerce, comme sous tous les autres rapports, les positions relatives d'un pays libre et de celui qui n'agit que par l'impulsion d'une mère-patrie, du pays qui peut ouvrir ses ports à toutes les nations et auquel tous les marchés du monde sont ouverts, et de celui qui doit forcément fermer ses ports à l'étranger et auxquels tous les marchés étrangers sont fermés, du pays qui a à sa disposition d'énormes capitaux, et la plus grande somme d'industrie et de commerce qui soit au monde, et du pays qui n'a rien de tout cela, que l'on a accoutumé à la protection et qui ne peut subsister que par la protection tant que le système colonial sera la base de notre commerce. Eh! Croit-on que c'est uniquement pour mettre en pratique une belle théorie, une pensée de toute sa vie, un enfant qu'il a laissé

grandir en secret pour essayer ses forces à sa maturité, qu'il vient aujourd'hui demander à l'Angleterre de renoncer au système de protection qui a été la base de tout commerce de temps immémorial, à l'abri duquel elle a grandi démesurément depuis près d'un siècle? N'est-ce donc pas cette protection qui a porté dans tous les recoins du monde le commerce et l'influence britannique? Non, on ne va pas si loin par amour pour les systèmes et les théories, on ne va pas jusqu'au point de renier son passé, par simple amour pour les systèmes et les théories nouvelles, on ne s'affectionne pas pour les spéculations jusqu'a refouler la puissance qui nous a élevés à la position qu'occupe aujourd'hui sir Robert Peel, la position la plus belle et la plus enviable quoique la plus difficile qui soit au monde. Non, encore une fois, tandis qu'il grandissait à l'ombre de cette protection qui le portait au sommet du pouvoir et de l'honneur, il laissait faire le grand combat engagé depuis longtemps dans l'Europe savante entre les économistes de toutes les convictions, ce combat qui n'est pas même fini pour l'Angleterre et qui se continuera probablement pendant long-temps encore pour les autres nations commerciales: mais quand une famine affreuse fut venue frapper à sa porte et que ces cris d'une misère immense, s'élevant de toutes parts, durent frapper ses oreilles, il se prit à méditer!.!.! (Ecoutez, écoutez). Puis, n'y a-t-il pas toujours eu en Angleterre, comme ailleurs, plus qu'aileurs, deux influences opposées luttant sans cesse l'une contre l'autre, l'influence agricole et l'influence commerciale, deux grands intérêts qui se sont bien quelquefois fait des concessions réciproques, mais qui n'ont cessé de se disputer le monopole de la puissance et de la richesse.[69]

C'est vrai.[70]

M. CAUCHON ((continua:)) Tandis que l'une s'efforce de vendre ses produits le plus cher possible, l'autre fait de son côté tous ses efforts pour payer ces mêmes produits le moins cher possible parce que le prix de la main d'oeuvre est toujours au niveau de prix des matières nutritives. (Ecoutez). Tant que l'influence agricole a dominé l'influence commerciale il y a eu protection pour la première; mais aussitôt que l'autre a dominé alors on a senti le besoin, plutôt la nécessité de prononcer la déchéance des droits protecteurs. (Très-bien!)) La sagesse de R. Peel, sa gloire, n'est pas tant d'avior créé un système ou d'avoir mis en pratique une théorie nouvelle, que d'avoir compris qu'il lui fallait, malgré ses répugnances, ses affections toutes naturelles pour un autre ordre de choses, lui-même se mettre à la tête de ce grand mouvement commercial que lui seul était capbale d'effectuer, sans secousse. Mais croit-on que pour tout cela il n'y ait pas sacrifice quelque part? Croit-on que tous vont se trouver heureux de ce nouvel ordre de choses? S'il en était ainsi, si une pareille transition n'exigeait aucun sacrifice, si tout le monde devait se trouver heureux de la liberté du commerce, le premier ministre d'Angleterre n'eût pas éprouvé tant d'opposition à son projet chez les lords et aux communes, il n'eût pas été déserté par son propre parti qui représente l'intérêt agricole par excellence.

Oui! il y a sacrifice quelque part, seulement c'est le sacrifice de l'intérêt devenu le plus faible à l'intérêt qui a pris l'ascendance. Maintenant quel sera le résultat de cette grande transformation, si elle s'accomplit? Il est impossible de le calculer ni même de le soupçonner. On ne peut pas dire si Sir R. Peel obéissant à une impérieuse nécessité, ne succombera pas dans sa gigantesque entreprise et si au lieu de soulager le peuple anglais de la famine et de la souffrance, il ne plongera pas son pays dans des maux plus grands et dans la hideuse banqueroute. Mais, que ce soit par Sir R. Peel ou par d'autres, et mieux vaut par lui que par d'autres, il faut que cet ordre de choses s'accomplisse, il faut que la Grande-Bretagne subisse ses nouvelles destinées. J'ai confiance dans la prévoyance et dans la sagesse de ce grand homme d'état, j'irai plus loin, j'ose croire que l'Angleterre, bien qu'elle doive d'abord souffrir de ce nouvel état de choses, parcequ'elle sera, pendant quelque temps du moins, seule pour l'accomplir, bien qu'elle devra souffrir becucoup, tant que les autres nations jugeront à propos de s'y soustraire, j'ose croire que par ses capitaux énormes et l'incommensurable étendue de son commerce, elle amènera celles-ci à lui ouvrir leurs ports comme elle leur ouvre les siens, et que par cette influence salutaire elle aura bientôt rétabli l'équilibre dans le monde commercial (Ecoutez). Mais si c'est là un grand essai, un essai hasardeux même pour l'Angleterre, nous convient-il à nous de le risquer et de précéder même la mère-patrie dans cette gigantesque entreprise.[71]

Non, non![72]

M. CAUCHON ((continua:)) Oh! Non, attendez donc au moins que vous connaissiez la position que veut nous faire l'Angleterre, pour prendre une détermination de cette importance, (très bien). Ne savez-vous donc pas que l'Angleterre est un pays libre, indépendant, et que nous, nous sommes une colonie, et que le système colonial est la base de notre commerce? (Ecoutez, écoutez) Quand l'Angleterre a eu pour la première fois la pensée de la colonisation et de la conquête, c'est qu'elle a voulu créer des débouchés pour son commerce croissant comme pour sa population; et quand elle a créé ces débouchés elle a prétendu les créer pour elle seule; de là donc le système colonial (très bien). Mais qu'est-ce que c'est que le système colonial? Ce n'est rien autre chose que la protection, d'un côté, et l'exclusion ou mieux la restriction de l'autre. (Très bien)! Tandis que d'une part l'Angleterre ne nous permet d'acheter que sur ses propres marchés, et qu'elle nous fait elle-même son prix, d'une autre part, pour rendre naturelle ou du moins supportable la situation qu'elle nous fait, elle nous donne la protection. (Ecoutez, écoutez). Mais si on nous enlève la seule chose qui rende ce système possible et supportable, que l'on fasse disparaître en même temps ce qui le rend odieux et insupportable et que l'on nous donne véritablement la liberté du commerce (applaudissements); que l'on nous permette d'ouvrir nos ports aux vaisseaux de toutes les nations, et je suis sûr que pas une voix, ni dans cette chambre, ni dans le pays, ne se fera entendre pour se plaindre que la protection nous est enlevée, car ce serait là une glorieuse et équitable compensation. (Très bien). Mais avant, nous

n'avons rien à faire qu'à attendre la part que voudra bien nous faire l'Angleterre (écoutez).

Par cette résolution à laquelle vous voulez amener la chambre quel résultat prétendez-vous obtenir? Vous n'avez plus une protection de douze shellings par quarter pour attirer à vous le blé américain. Si les ports de la Grande Bretagne doivent être ouverts aux Etats-Unis comme au Canada, et qu'il n'y ait pas de protection pour l'un plus que pour l'autre le blé américain ira des Etats-Unis droit aux ports anglais, sans venir faire un long détour pour avoir l'honneur et la gloire de passer par notre majesteux St. Laurent, et les prix seront les mêmes partout à de faibles différences près, causées par la différence des distances, car c'est toujours le plus grand marché qui règle les prix des articles de commerce. L'honorable procureur-général a dit qu'il fallait attirer à nous le commerce de transit et le faire passer dans nos canaux pour effectuer par là des sources de revenus qui nous permettent de payer le coût de nos travaux publics. Je suis fâché de lui dire que son argument porte à faux, car pour faire des travaux publics des sources de revenus, il faut que vous imposiez à chaque article étranger un droit plus que nominal, alors le commerce étranger prendra une autre voie. Si vous voulez avoir le commerce de transit il faut que vos taux de péage ne soient que nominaux et seulement comme indicateurs. Le but principal que l'on a eu en vue en construisant des canaux n'a certainement pas été d'en faire des moyens directs de revenus, mais plutôt de faciliter les voies du commerce. Il est une considération bien grave sur laquelle je dois attirer l'attention de la chambre, c'est celle-ci: Si vous vous hâtez de vous lancer dans la voie du commerce libre, avant même que l'Angleterre ait fait quelque chose dans ce sens, quelle grâce aurez-vous de demander à celle-ci, pour compensation, de payer votre dette de trois millions et demi. (Ecoutez, écoutez)? On vous répondra avec raison: "comment osez-vous demander une compensation pour ce qui n'est pas une perte, pour ce que, au contraire, vous avez trouvé si excellent que vous vous êtes hâté de l'adopter, lors même que nous n'en étions encore qu'à en discuter la sagesse." (Ecoutez!)

Je dois regretter en terminant que les honorables messieurs qui siègent de l'autre côté de la chambre aient tremblé aux menaces de l'honorable leader de l'administration. Ce n'est pas tant de sa parole qu'ils ont peur que de la perte de quelques centaines de mille louis qu'il tient suspendus sur leurs têtes pour leur dire: "Gare (écoutez) si vous êtes de bons garçons, des enfants bien obéissans, si vous êtes toujours prêts à poser vos fronts dans la poussière ou dans la boue suivant qu'il fera beau ou qu'il pleuvera (sic) (rires prolongés...), je vous donnerai des sous pour acheter des gâteaux (on rit)." Personne ne regrette plus l'état de banqueroute vers lequel on nous pousse sans cesse, mais s'il devait un jour donner de l'indépendance à ces honorable messieurs, ce serait une compensation qui me consolera un peu. Je me réjouirais de penser que pour la première fois ils s'apperçoivent qu'ils sont hommes et de les voir secouer la poussière ou la boue de leurs fronts pour se dresser noblement en signe d'indépendance et de liberté intellectuelle: (Très bien)[73].

MR. INSP. GEN. CAYLEY would be happy to give a repetition of all the

statements he had made on a previous occasion if he thought by so doing he could bring conviction to the mind of the hon. member for Montmorency, but feeling that was impossible, he had declined doing so not however because he thought his statements were incorrect, but from a fear of fatiguing the Committee needlessly. The more he reflected on the subject, the more he was convinced that his calculations were correct, and when the hon. member for Montmorency rose to chalk out the course which he (the Inspector General) should follow, he would wish to know what calculations, what figures that hon. member had made use of himself.[74]

MR. HALL[75] conceived that the hon. members on the opposition benches would not perform their duty if they gave a silent vote on this question. It was the duty of those hon. members to convince the Committee that the Hon. Inspector General was wrong, and more particularly when the question was confessedly one of the most important which had ever been submitted to their discussion. If the views of the Inspector General were incorrect in endeavouring to bring the trade of the Western Countries down the St. Lawrence, or if they could not do it, then he rested satisfied, that they must resort to direct taxation upon the people to pay for those enormous works, and he for one would do any thing to avoid such a necessity. He came there as the representative, of an Agricultural county, but was decidedly in favour of the resolution[76] which he believed to be for the good of the whole Province.[77] ((He)) held opinions which might take from him his seat in the House; perhaps he might convince his constituency that he was right, but if not, he cared little for his seat in the House.[78]

Hear, hear, "bravo" from MR. GOWAN.[79]

He, MR. HALL, reduced it to this, whether having built Canada at a great expense for the purpose of carrying produce, we should refuse to take that of our neighbours with our own. He ridiculed the idea that this measure could affect the Canadian farmer, because as the price of grain for exportation was regulated by the price in England, and as England wanted twenty times as much as we could send her,[80] it would make no difference if we send 100,000 bush. to England and take the same quantity from our neighbours. No one has said that the Colony would lose by such a process no one has pretended to say so. The Colony grows more wheat than is required for its own consumption, and the object in view is to permit our merchants in going to market to take not only our own surplus but also that of our neighbours, which they will otherwise take themselves to the same market by another channel. In conclusion he would say that on this question there should be something more than mere party spirit and he hoped hon. members would not allow themselves to be influenced solely by that feeling.[81]

MR. JOHNSTON said, he should vote against the resolution of the Inspector General; but he conceived it ought not to be made a Government measure. If he thought however that gentlemen opposite opposed it for the purpose of ousting the Ministry, he would vote for it.[82]

DR. NELSON had at first feared that the action of these resolutions would be injurious to the Canadian farmer, but he found that it was intended merely to take the duty off corn imported for exportation.[83] If it was possible, to prevent American wheat from going to England by keeping on the present duty, he would oppose the reduction, because he conceived that then it would be injurious to the Canadian farmer. But if Great Britain threw open her ports it would be impossible to prevent the United States from entering that market; and when he considered the enterprize and the perseverance of the Americans and the exertions they would make to overcome difficulties, he believed that it would be a most unwise enactment which should close the St. Lawrence to them, for it would assuredly lead them to improve their own means of communication, and might in the end enable them to carry cheaper through their own channels than we could carry for them. It was evident that after the vast sums which we had expended upon our canals, if everything was not done which could tend to increase the traffic through them[84] ((by bringing)) down the trade of those immense Western countries[85], the end would be that we should be saddled with an immense debt, and in order to pay the interest of it should be compelled to resort to the greatest of evils, direct taxation. - (Hear, hear) But perhaps this measure was a little premature, our canals are not yet finished, nor do we know that the new fangled doctrine of Free Trade which has been taken up in England will or will not be carried into effect.[86] An hon. member on the other side of the House had said on a previous night that it would be as well to wait for news from England before passing these resolutions and although he was in favour of them he must admit that he was of the same opinion. With respect to another matter which had struck him very forcibly, as to the introduction of Yankee schoolmasters[87] - upon a previous occasion hon. gentlemen had been much frightened at the idea of introducing Yankee Schoolmasters into Upper Canada for fear they would pervert the grandpapas and women folk of that section of the province[88] - they could not be permitted to come among us as it would end in the utter demoralizatoin (sic) of our youth, filling their heads with republican notions.[89] In another occasion a Bill had been brought forward to connect two points in Upper Canada by a short cut and to facilitate our communiation (sic) with the States[90], which an hon. member not then in his place had declared to be a work of the utmost advantage to a locality somwhere (sic) in the West[91], but it was opposed by those hon. gentlemen who now supported this motion, and the people were compelled to take a Toby Lumpkin plan a circumbendibus to arrive at the same place for fear the Yankees should come in to make Yankees and Democrats of us. Oh! no we could not have this short cut which would have been of great benefit to the province because it was too dangerous - it would not do to admit Yankee Schoolmasters although few others are to be had because that is too dangerous - but now these gentlemen were willing to have American commerce and were not so outrageously alarmed at its political influence and for his part[92] he was delighted to hear it and hoped it would be so[93]. But the Inspector-General seemed to have overlooked one thing, he had not told that House, whether this American produce was to come down the St. Lawrence in American or Canadian Bottoms; he might

depend on it where Yankee produce went the Yankee would not be far behind. Nor would he (Dr. N.) object to opening the St. Lawrence to the Americans, they were a people fond of good board, were no niggards with their purse, and if they came in amongst us the money they would spend would make this measure which the farmer might now conceive to be injurious to him, of actual benefit by increasing and rendering more profitable his home markets. He confessed that Lower Canada was in an especially painful position when compared with either U. Canada or the United States as regarded climate; she had severe winters, and the Agricultural labourer was obliged to complete all his operations, to plough, to sow, to reap and house in five months to provide the provision for seven dreary winter months when none of these things could be done. It had been said by a friend of his who had long been resident in the United States, that the Americans had the advantage over the Canadians in an easier worked if not a more fertile soil, and in a far more genial climate; while the American farmer confined himself principally to grazing and the rearing of cattle, by which he was sustained, the Canadian had to labour to support his cattle and derived no advantage from them, for if the cost of a beast at 5 years old was counted it would be found that it had consumed that which was twice its value; this was the effect and misfortune of our climate. It therefore became incumbent upon the Imperial Government to extend some boon, and some means of compensation to the people of this country. What was this Free Trade? and what were the benefits which it was expected that Canada was to derive from it? For himself he could not see what advantage it could be to a people that could scarcely supply their own wants much less enter into competition with their neighbors? He could see clearly the advantage it would be to England, and why it should benefit her more than any other nation, and there the measure was worthy of the sagacity of the politicians who had foreseen the value of its application. The position of England was such that she could encourage this scheme with advantage, and compel other nations to follow her example; because she was a manufacturing nation, and could now sell at a lower rate than any other people, and if her Mechanics could get cheaper bread, they would be able to produce more, at a still lower rate, and with an increase of happiness to themselves. He owed it to those who he (Dr. N.) represented to make these remarks, and he would conclude by saying that[94] he did not see that it would injure the country in the slightest degree to give the American wheat a transit if it did not come into[95] direct[96] competition with the Canadian farmer[97] in the market of consumption here[98] and he was therefore prepared to support the resolution.[99]

MR. INSP. GEN. CAYLEY would inform the hon. member who had just taken his seat why he intended to make the operation of his measure immediate instead of gradual. The rates of freight[100] from New York to England were lower than the freights from Montreal to England. During the next three years Canada would possess an advantage of 3s. per quarter, which[101] will ... reduce freight by increasing the trade - (hear)[102]. The improvement which would flow from an increase of trade [103] and the reduction of the tolls on the canals[104] would before that pro-

tection was taken off enable Canada with the cheaper rate at which produce could be transported down through our waters to the shipping port, than it could be from the lakes to New York - to compete without fear with the United States.[105] The Americans will no more be able to compete with us in price than they at present can in speed.[106] ((They)) had a long and tedious navigation from the Lakes to the Sea, a navigation which occupied days while ours was completed in hours[107]. Goods at present can come from Kingston in twenty three hours, whereas, with 360 miles of slack water navigation on the Erie Canal, they must necessarily be much slower than by the St. Lawrence route.[108] These disadvantages they must always have in their internal communications, and their Sea going freights could not be lower. The amount of export of Flour from New York, was as great in 1821 as it was in 1845, showing that although from the breaking up of new ground its produce was increased, yet the increase to its population had been commensurate, and there was no greater surplus.[109]

MR. COLVILLE said the resolution before the House could not be considered as removing the protection from the farmer of Canada; the duty was not imposed by a Canadian Legislature as a protection to its own people; but it had been imposed at the diction of the Imperial Government to gild the pill which it compelled the protectionist at home to swallow,[110] (Hear)[111] when the protective system was first relaxed and Canadian Wheat and Flour was allowed to enter England free[112] and he looked upon it as a great boon that they were now allowed to take it off[113]. It had been said that this measure was premature because it might so happen that from some action in the British Legislature which we are not now aware of, the ports would not yet be opened at home; if such should be the case it would be so much the better for Canada, for she would be able to engross the whole of the transit trade. He believed that under any circumstances, from the statement made by the Inspector General, that Canada would be able to compete with the United States[114] in the English market if Sir Robert Peel's scheme succeeded[115]. It would be most absurd if the Legislature after laying out such immense sums of money upon Canals, in order to induce trade to come this way, should, by refusing this resolution, do all in its power to keep out what would otherwise pass through them, and make that investment unprofitable. He again stated that the protection which it was proposed to reduce, was a protection for the English Landlord, and not for the Canadian farmer; and he did not consider it was the duty of that House to protect the landlords of England, but rather to devise and carry out the means which would forward the interests of the people of Canada.[116]

MR. AYLWIN said, he[117] hoped the House had not forgotten the Inspector General's calling upon it for a pledge to the Mother country, and when on the spur of the moment an address was passed in order to save the mail as the hon. Inspector General stated,[118] at the beginning of the Session ... he had warned the House of the consequence of the pledge it was called on to give.[119]

MR. INSP. GEN. CAYLEY - rose to order.[120]

Cries of order from both sides of the House.[121]

He, MR. INSP. GEN. CAYLEY, asserted that the hon. member brought in a charge against him which had no foundation but in his own brain. He had denied it at the time when the hon. member had put the expressions in his mouth.[122] The House had been called upon to give no pledge, and it had given none.[123] He had asked the House to pass an address and did not attempt to make them give any pledge.[124]

MR. AYLWIN said, whatever might have been the terms of the address,[125] the universal feeling was that the House had pledged itself to this policy by the action it had taken[126], ((and)) he would leave it to every member of that Committee if the universal feeling was not that they had gone too far.[127]

Cries of "No, no, yes, yes."[128]

MR. AYLWIN ((resumed:)) How was it then that it was so stated even in the papers? He repeated that they had gone too far in passing that address, and the hon. Inspector General was about to induce the House to commit itself again[129], by precipitancy[130]. He would wish to ask that hon. gentleman how was it that those printed resolutions were only distributed after hon. members had taken their seats, although the Committee had sat on Friday last on the same question. He would ask that hon. member whether he considered it fair or honest, was it what they had a right to expect when they were told that a great and fundamental change[131] ((in)) commercial policy[132] was about to be brought round, to put the printed resolutions in their hands for the first time after they had taken their seats this evening[133], an hour ago.[134] He knew well what sort of a reply he would get, that the hon. gentleman had made a speech from which a great deal might be gathered, but he would tell that hon. member that it was due to the agricultural interests of the country to give hon. members an opportunity of communicating with their constituents, and to obtain their opinions on a question of so much importance. But now it was pressed on, no time was to be allowed for reflection on a measure of which England was to reap all the advantages. And he would ask what necessity was there for such haste, was England equally hasty with regard to us? Was the hon. Inspector General able to inform the House as to what has been resolved on respecting the Corn Laws? Was he able to say in what shape the Government has remodelled those laws?[135] The House was called upon before any decision was come to in England, to pledge itself to carry out the new system of Free Trade. He held in his hand a number of the Quarterly Review which confuted every argument brought forward by the Inspector General, and if he had the next number, he believed he could destroy his position altogether; for it was alleged that the Corn Bill would not pass the Commons. He would ask the Inspector General whether it was not probable that Her Majesty's Chancellor of the Exchequer would use in his place and read as an argument in favor of Great Britain, adopting the principle of Free Trade, the very Address which that House had been so precipitate

as to send?[136]

MR. INSP. GEN. CAYLEY said, he did not believe the Chancellor of the Exchequer would do anything of the kind, and would put no construction upon that Address than what it would fairly bear.[137]

MR. AYLWIN continued. - If such should, however, be the case, the Inspector General would be in an unpleasant position. It was his duty and the duty of the House not to sanction this scheme, but to resist the resolutions before it. Though,he, Mr. A., represented a commercial city, he was not prepared to sacrifice all interests to the spirit of commerce. If he held a seat in the House of Lords he would oppose the repeal of the Corn-laws, because he believed that the best interests of the British Empire depended on their continuance. He doubted the correctness of the calculations of the Inspector-General; he did not conceive it possible to lay down any price as that at which produce could be carried. The gist of this Free Trade seemed to be that Canada was to have the carrying trade of the United States, and by some singular process as yet unexplained, the Americans were to be better pleased to send their produce this way than through its natural channels, their own waters. It had been said and written of Lower Canada that its only manufacture was wooden shoes, that it was a poor beggarly country incapable of raising sufficient grain for its own consumption. He appealed to honble. gentlemen round him who represented agricultural constituencies in Lower Canada, whether for some years past, the people had not been compelled to discontinue the use of wheaton bread?[138]

MR. ROBINSON. We want to sell it ((to)) you.[139]

MR. AYLWIN. Hon. gentlemen might talk of selling, but how was Lower Canada to pay for it - what had she to give in return. It had been said that night, and it had been set forth in the manifesto of the Free Trade Association that Lower Canada cannot produce cattle at a remunerative price. If she could neither produce grain nor cattle what was to become of her, if this measure passed; the majority of her population are farmers, are they all to be driven away to find subsistence in other lands; should he turn round and say that the result of this system of Free Trade would sooner or later do just what was set forth in the book he held in his hand, that hundreds of thousands of acres of land now cultivated would have to be abandoned. He contended that the Agriculturist of Canada could no more compete with the Americans than our infant manufacturies could with theirs. We were now indebted to the Americans for glass, harness, vehicles, buckets, corn brooms, cheese - and many other articles, which they managed to sell at a profit in the present state of the law with a prospective duty. Yet it was held if these duties were taken off, we could by some marvellous operation of this Free Trade, roll back the tide upon them and supply them with these articles. No doubt the theory was very fine, but it would not do. He preferred the speech of Sir Howard Douglass to that of the Chancellor of the Exchequer; he considered it was adding insult to injury to ask Canada to make sacrifices at this time. He knew well how the thousand

wild and visionary schemes which had been palmed off as Free Trade had been met in Montreal, and how they would be met in Quebec. He would ask those who were concerned in the timber trade how they would like its operation - how they would like to have to compete with the Baltic without the protection of which they now have the advantage; it would be found that they thought protection not so bad a thing after all. With regard to what had been said by the Inspector-General as to the capability of Canada navigating her shipping at as low a rate as New York, it was not correct, and if that gentleman had lived at Quebec he would have found out that the rate of wages in a common merchant ship was higher there than in a first class liner in the States. Canada was in an awkward position wedged in between two powerful countries like England and the United States, and dependant (sic) in a great measure on their action. This country was compelled to give her timber which took ages to grow, to purchase articles of consumption which were destroyed in a day; and although our forests were not yet exhausted yet the day would come when Canada would have no more of this commodity, and what then was she to export in return for those things her necessitites demanded? When Free Trade principles became general over the world the Millennium would be close at hand. He would move that the Committee rise and report progress, and ask leave to sit again. Before taking his seat the hon. gentleman made some allusion to the necessity of allowing time for persons connected with the leather trade to say how the proposed reduction on this article would affect them, which we did not catch very distinctly.[140]

MR. INSP. GEN. CAYLEY. - It appeared to him that the hon. member for Quebec was very anxious to become a prophet, but he did ((not)) think that the prophecies he had just made would be fulfilled. The hon. member had attacked him for not having made the resolutions known sooner. He would only remind him that he (Mr. C.) had been interrupted when he made his first financial statement at almost every sentence, and obliged . . to answer question after question, and to repeat calculation after calculation, of which the hon. member had taken notes, and that the newspapers had been full of reports of his (Mr. C.'s) statement, and now the hon. member attacked him for having kept him in the dark with respect to the resolutions now before the House until the last moment. He (Mr. C.) may have been mistaken about the usual practice of the House in that respect, and not have got them prited(sic) so soon as he should have done; but although the hon. member may not have known the precise words of the resolutions, he must have at least known the substance of them, or his taking notes had been all a farce. The hon. member had called upon him to guarantee the calculations made use of at the Free Trade meeting held in Montreal, and by the member for North Lincoln, and the statement of the late member for Huron, but he hoped that he would not ask him to guarantee his calculations. With regard to what had been said about Lower Canada not being able to supply enough of cattle for its own use, he would only say that in 1844 it had exported cattle to the value of $6000, and that they were not doing justice to Lower Canada to say that it would not compete with its neighbours.[141]

MR. ERMATINGER said that on a former occasion when he spoke on the

subject, what had been said by him had been perverted in the newspapers, where it was said that he did not know that Kingston was on Lake Ontario, there was no one more in favor of the liberty of the press than he was, but he considered that hon. members speeches when reported, should not be wilfully misrepresented. He would state that in voting for the first resolution he would not stand pledged to support the whole of them. He stated that he had the honor of being at Tetu's Hotel, and he conceived it was an honor, the independent members have a right to meet wherever they please, and he was one of them, he stood in the House as an independent member. He said that he did not expect to be long in the House on account of the vote he was going to give to-night not that he was at all afraid of the proceedings of the Committee on his election. He for one was not prepared to embark in the ocean of free trade, because he did not see the end of it and he would take the resolutions just for what they express and from reading the resolutions he conceived that their sole intention was to take away the carrying trade of the Great West, and bring it down the St. Lawrence, and by that means raise the amount of tolls received, although he thought as he had said before that it would inclitate (sic) against the interest of his constituent (sic), yet as the experiment was worth trying he would support the motion. He had his doubts of the working of free trade and agreed with the member for Quebec, that we were going ahead of Great Britain, Sir Robert Peel's policy has not yet been confirmed, and until that is done, he thought it better not to proceed.[142]

MR. WILLIAMS said that on the first occasion this question had come before the Committee, he had stated his objections to the repeal of the duties at the present moment under an impression, which although perhaps erroneous, he was allowed by the members of the administration still to retain for want of correction. He considered it unsafe, uucertain (sic) and unwise legislation to speculate on contingencies. His impression was, that by repealing this act, they might be thrown back on the old duty of three shillings per quarter on Wheat imported into England, if the new scheme did not receive the assent of the Imperial Parliament, and therefore it was dangerous to legislate until certain information had been received from the Mother Country. He repeated that was his impression; it might not be correct, and he would in that case desire to be put right by some hon. member of the administration. The hon. member then proposed to show the position in which the country would stand if he were correct. Under the existing law, Wheat exported from Canada is allowed to be imported into Great Britain at the mere nominal duty of one shilling per quarter, on condition, and he called the attention of hon. members to this; on condition that the Provincial Parliament of Canada impose a duty of three shillings per quarter on foreign Wheat imported into the Province. The imperial statute then goes on to state that whereas the Provincial Parliament has imposed this duty of three shillings per quarter, Wheat imported into Britain from Canada shall be admitted at the low rate he had already mentioned. But repeal this duty of three shillings per quarter, which was looked upon as a great boon in Upper Canada (hear) at the time the act was passed, and what will be the consequences? There may be a dis-

solution of the Imperial Parliament to-morrow; no persons could say positively what had occurred in Britain, and if that should happen we would be thrown back on the old duty of three shillings per quarter on Canadian Wheat imported into Britain, until a new Parliament should meet and pass an act affirming these resolutions. If he were wrong in the view he took of the question, he desired to be corrected by the Hon. Attorney General, West, who would gain an accession of strength in the House by doing so.[143]

MR. AT. GEN. DRAPER said that the hon. gentleman might rest assured that on a question of this importance, the administration had paid the most anxious attention to all the consequences likely to result from its passage. And when the principle contained in these resolutions was assented to and the bill introduced, he would find that it was provided by a clause in the bill, that the present rates of duty be continued till the new act receive the assent of the Imperial Parliament.--(Hear).[144]

MR. WILLIAMS said it would not be denied that on the success of Agriculture, depended the prosperity of the Province, and it would, therefore, be admitted that any attempt to disturb the agricultural regulations should be made with great prudence and caution. He was inclined to believe that the action taken by the Ministry was premature and dangerous; his reason for so thinking was that the great measure before the Imperial Parliament was still undisposed of; it had not passed a second reading, it might be arrested by the Peers, and a dissolution might ensue. He (Mr. W) wished to wait the decision of the Imperial Parliament, and also to wait the action of the United States in reference to the introduction of Colonial produce into that country. Under the existing law Upper Canada had arrived at great prosperity; but the changes now proposed by Great Britain did not afford the most pleasing anticipations. At present our products are admitted into the British ports in consequence of the Province imposing a duty of 3s. on American wheat, and should the measure before the British Parliament not pass, this country would be worse than ever, because then our productions would not be admitted at the present low rate. Such were his (Mr. W's) impressions, but if he were wrong, he would be glad to be corrected. With regard to Free Trade, he thought that if the great measure of Sir Robert Peel became law, nothing would be left to the Canadian farmer worth retaining at the expense of being excluded from the United States market; and if the United States restrictions were kept up, would not the Canadian farmers be discontented with our Legislation? He (Mr. W) feared they would. He (Mr. W) had no objection to free trade carried out in all its bearings, and upon the principle of perfect reciprocity between all nations. He (Mr. W) would observe in reference to the assertion that the duty of 3s. was imposed for the benefit of Great Britain, that he denied that assertion in toto, he had been the bearer to the Government of England, of strong remonstrances from the ... people of Canada; he had made a special mission for that purpose, and upon his return to this country, he warned those in power that a despatch would arrive, recommending a duty on American wheat. He (Mr. W) felt bound after the

most serious and deliberate consideration to vote against the resolutions; nothing would give him greater pleasure than to act in the present, as in the generality of instances with the Ministry, did not his conscience forbid it. Before he (Mr. W) sat down, he wished to correct a misapprehension of an assertion of his on Friday last, which he saw in one of the city papers. It was reported that he had said he would vote for the resolution. He (Mr. W) had not pledged himself to any particular course, but merely said that if he could be convinced that the measure before the House would not injure the farmer he would vote for it.[145]

MR. ROBINSON - called the attention of the hon. member for Durham to the despatch of the Secretary of the colonies of 3rd March, 1846, (the hon. member then read some extracts from the despatch which shewed that the British Government were prefectly willing to abolish the duties imposed upon agricultural produce imported from the colonies) and stated that he thought the proposed measure would be productive of great advantage to the country, and that he thought if the measure would hurt the farmers he would be against it, but he thought it would do them good.[146]

MR. MCCONNELL - would have given a silent vote had it not been for a remark of the hon. Inspector General's with regard to cattle in Lower Canada. The hon. gentleman did not seem to understand why the present export of cattle from Lower Canada should be deficient when it was known that some time ago $60,000 worth was exported in one year. He (the Inspector General) might not be aware that then there was no duty on cattle imported into the United States, whereas now there is a duty of twenty per cent. In reference to free trade he (Mr. McConnell) thought that like universal suffrage, it was more pleasant to speak of than to practise. England, because of her strength might be able to carry it out, but the colonies not possessing such strength would find it more difficult. The hon. member complained that what he said in the former debate relative to the public debt was mis-reported, his remark was, that if England destroyed the means whereby our debt was to be paid she ought to pay it herself.[147]

MR. CHAUVEAU opposed the measure before the House.[148]

MR. SHERWOOD ((spoke for the motion.))[149]

MR. BROOKS did not speak very often but would on this occasion offer a few remarks. He thought hon. gentlemen were rather out of their latitude when they spoke of the resolutions before them in connection with Free Trade. The resolutions had nothing to do with any such principle but merely allowed American produce to pass through Canada. If, as some hon. members considered probable, the Corn Laws were not repealed, it would be so much the more advantage of Canada, for she would be at once the gainer of this 3s. duty in addition to the protection she had before. He was sorry to hear the bad character which the member for Quebec had given Lower Canada. His remarks would not however apply to the Townships. It would be recollected that some years ago Lower Can-

ada exported a large amount of grain, and if an enquiry were to be made for the cause of the backwardness of Agriculture in the present time he (Mr. B.) expected that it would be found that political agitation did not improve the climate. - (Hear, hear.)[150]

MR. DRUMMOND felt that this was an important crisis and that on the manner in which they determined respecting this resolution, a great deal of the future[151] commercial[152] prosperity of the Province depended; and[153] considering the magnitude of the question,[154] he would have wished for a little more time to consider ... ((it)) than the Hon. Inspector General had given them.[155] He had not been present the first time these resolutions had been debated, and he must confess they had been represented to him as very different to what he actually found them. He had been told that they deprived the Canadian farmer of all protection[156] but on looking over the printed resolution[157] he found they merely went to give our merchants the benefit of the transit trade and would not bring American wheat in competition with Canadian in a Canada market. He was convinced that the farmer would not suffer from their operation, but on the contrary that his interests would be advanced by the enlarged market which would be opened to him to supply those who would be engaged in the trade.[158] In ... ((this)) he concurred most heartily,[159] ((for)) while Canada would be built up by this operation the necessity for direct taxation would be removed[160]. The agricultural portion of the community in fact ... had an indirect interest in ... the success ((of the measure)), in order to escape direct taxation[161] which otherwise the country would be subjected to, to pay the interest of the debt it had incurred in building its Canals. He was not one of those who thought those Canals would be of no advantage to Lower Canada, some persons had overrated these advantages and others had depreciated them. Though he concurred in the principles of the resolutions yet he considered it necessary that the action of the House should be suspended until the conclusion of the British Legislature was received[162], ((and)) it was with some reluctance he felt compelled to vote for its delay till the arrival of news from England[163].

MR. GOWAN - That is for party.[164]

MR. DRUMMOND - No it was not for party. He (Mr. D) would not then, nor at any other time, give a vote of which his conscience and judgment did not approve; and he thought it not a little unfair for parties to make such an interruption who were rather more notorious for giving party votes than he was. He thought there was some weight in an objection made by an hon. member on the other side of the House, that if the projects of Sir Robert Peel were not passed through the British Parliament we will be premature with these resolutions. He would wish to see our trade free from an Imperial restraint, not only with the power of protecting our agriculturalists, but also of regulating our trade[165] to the fullest extent[166], and he was clearly of opinion that we were in a position to demand this boon from the mother country; whereas, if these resolutions were passed now, it would be said, the Canadians are satisfied[167] with the removal of the protection from trade, and desired

no equivalent in return[168], thus exonerating them from doing any thing further for the country. It was on this ground that he asked for a delay of the question for a fortnight, in order to receive the next packet, when, whatever might be the influence of hon. members on one side of the House or the other side of the House he stood pledged to support[169] any measure to give American produce free passage through our waters when the action of the Imperial Legislature was known. He considered that the House ought to hesitate before it did anything to pledge itself to the policy of the British Government before the time, or that would convey an impression at home that it was satisfied with the change which was about to be effected in its commercial regulations with the Mother Country.[170] There was also another ground which he would urge for a delay. The resolutions having only been put into his hands this morning, he could not, in a shorter space of time, communicate their ... ((nature to)) his constituents, who formed an agricultural ... body, and would perhaps differ from him in opinion as to what course he should pursue; in which case he would wish to tender his resignation of his seat.[171]

MR. SOL. GEN. SHERWOOD was sorry to see the course his hon. friend had taken, and would ask him, even supposing Sir Robert Peel's scheme should not go into effect, would it not be desirable to bring the Western trade down the Saint Lawrence?[172]

MR. DRUMMOND was in favour of the principle contained in the resolutions, and would vote for them after hearing what determination the British parliament had come to. All that he feared was, that the Home Government would say we had provided for ourselves.[173]

Mr. Aylwin's amendment was then put to the vote. Yeas, 27; nays, 45.[174] Among the ayes were Messrs. Price, Baldwin, LeMoine, Leslie, Nelson, Chauveau, Drummond, Thompson, Lafontaine, Williams, Johnston, Seymour and Aylwin.[175]

The first resolution was then carried. Yeas, 44; Nays, 31.[176]

Resolutions 2, 3, and 4, were then put and carried.[177]

DR. NELSON spoke in favor of the importation of Indian Corn for consumption in Lower Canada free of duty.[178]

((The fifth resolution was passed.))[179]

The sixth resolution ((was)) put to repeal the present duty of 9s 4d on all unrefined sugars, and impose a duty of 7s 6d per cwt.[180]

MR. AYLWIN asked Mr. Moffatt whether he was prepared to vote for this resolution. He moved an amendment, that the duty on sugar be reduced to 2s 6d sterling.[181]

MR. MOFFATT being called on to say whether he was in favour of this resolution reducing the duty on Sugars said he would be glad to see it reduced to 7s. but if the Government were not prepared to part with any more revenue, he should rest satisfied with the reduction proposed.[182]

Mr. SMITH recommended Mr. Aylwin to amend his motion making it 5s instead of 2s 6d.[183]

MR. AYLWIN ((altered his motion to 5s.))[184]

The motion so amended was then put to the vote - Yeas 16, Nays 36.[185]

MR. CHAUVEAU then moved in amendment that the duty on unrefined Sugars be reduced to 6s.[186]

MR. AT. GEN. DRAPER asked if the honble. gentleman was prepared to show what reduction the revenue would suffer by this motion[187], ((and)) whether he had any thing to say in favour of his amendment, or whether he had moved it merely for the pleasure of amending a Government proposition.[188]

MR. AYLWIN would give an answer, when he was informed what Free Trade was.[189]

MR. AT. GEN. DRAPER would be happy to know what Free Trade had to do with the question.[190]

The amendment ((was)) lost[191].

The original motion was carried[192].

MR. INSP. GEN. CAYLEY then postponed the resolution affecting leather and its manufactures until Friday next.[193]

(141)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Méthot reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same, and that he was further directed by the Committee to move for leave to sit again.

Ordered, That the Report be received to-morrow.

Ordered, That the Committee have leave to sit again on Friday next.

Common Schools Bill, (U. C.) — *The Order of the Day for the House in Committee on the Bill for the better establishment and maintenance of Common Schools in Upper Canada, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Chabot took the Chair of the Committee,[194]

MR. AT. GEN. DRAPER said, the only clause which was not disposed of before the committee rose on the last occasion, was the 6th section of 26th clause. It had been decided that the rate bill should be a rate bill payable by the persons who sent children to the school. He had also been asked to provide for some distinction in the education of coloured children; but after maturely considering the ... matter, he could not be induced to introduce into a law any distinction of colour. He had prepared the clause, and if any member wished to move it, he

would put it into his hands. For himself, he was not prepared to do so.[195]

The 26th clause, as amended, was then adopted.[196]

MR. BOULTON moved for the re-consideration of the 31st section. His object in doing so was to have it amended, by allowing the same privilege to the Church of England as those granted to the Church of Rome. In the section referred to, the Roman Catholics have a right to have a Roman Catholic teacher; and he wished that it was a Roman Catholic that was in the school. The Church of England may have a right to have a Protestant teacher. He proposed also to confine this to cities, towns, and villages. He trusted that the members of the Church of England would insist on this being passed, or the clause erased.[197]

(141)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Chabot reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Orders postponed. — *Ordered, That the remaining Orders of the Day be postponed until to-morrow.*

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by Mr. Hall,

The House adjourned.

APPENDIX, 21 APRIL 1846.

((QUESTION AND ANSWER RE: LOWER CANADA MUNICIPAL COUNCILS' LIABILITIES.))[198]

MR. CHAUVEAU - enquired if the ministry intended to pay the debts of the Municipal Councils of Lower Canada.[199]

MR. AT. GEN. SMITH - said it was not the intention of the Government to move in the matter this session.[200]

((QUESTION AND ANSWER RE: REIMBURSEMENT OF MOHAWK INDIANS.))

MR. MURNEY ((asked)) ... whether it is the intention of the Government to remunerate the Mohawk Indians for certain lands taken from them and applied to the Clergy Reserves.[201]

MR. AT. GEN. DRAPER said, in the year 1797 the Crown under the Great Seal passed to the Chiefs, Warriors and Women of the Six Nations and their heirs a certain tract of land in the neighbourhood of Belleville, with the reservation that upon alienation the said lands were to escheat to the Crown. But this grant was defective, inasmuch as it gave to the people of the Six Nations no corporate powers. As years rolled on these lands became useless as a hunting ground, while the advancement of the Indians in Arts and Agriculture was not commensurate with their wants; while the country around became granted, settled and improving in value rendered the Indian lands also valuable for settlement purposes. In order that these lands might be disposed of to form a fund for the benefit of the Indians their chiefs with the consent of the people, relinquished them to the Crown. At this period there was in existence a law which compelled the Government in all future grants of lands to reserve a quantity equal to one-seventh for the Clergy; and in regranting these lands for settlement that reservation was made. This was the act complained of, and the Government of the present day did not feel itself justified in recommending to Parliament remuneration for that which had been done of necessity in accordance with the law.[202]

FOOTNOTES - 21 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 21 April 1846, PILOT, 23 April 1846, BATHRUST COURIER, 5 May 1846, and GLOBE, 28 April 1846, in accounts which are identical except that the GLOBE omits certain speakers from its report.
2. MIRROR, 21 April 1846.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The following exchange was reported in identical accounts in the MIRROR, 21 April 1846, and the PILOT, 23 April 1846.
15. MIRROR, 21 April 1846.
16. IBID.
17. The following debate was reported by: MIRROR, 21 April 1846; and PILOT, 23 April 1846, in identical accounts; and by MONTREAL GAZETTE, 24 April 1846.
18. MIRROR, 21 April 1846.
19. IBID.
20. IBID.
21. IBID.
22. MONTREAL GAZETTE, 24 April 1846.
23. MIRROR, 21 April 1866.
24. MONTREAL GAZETTE, 24 April 1846.
25. MIRROR, 21 April 1846.
26. MONTREAL GAZETTE, 24 April 1846.
27. MIRROR, 21 April 1846.
28. MONTREAL GAZETTE, 24 April 1846.
29. MIRROR, 21 April 1846.
30. MONTREAL GAZETTE, 24 April 1846.
31. MIRROR, 21 April 1846.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. MONTREAL GAZETTE, 24 April 1846.
39. IBID.
40. IBID.
41. IBID.

42. IBID.
43. The following debate was reported by: MIRROR, 21 April 1846, PILOT, 23 April 1846, and GLOBE, 28 April 1846, in accounts which were identical except that the MIRROR's and PILOT's accounts contained more speakers; LA MINERVE, 23 April 1846, in a report identical to that in MIRROR, 21 April 1846, except that each contained certain speeches not found in the other; MONTREAL GAZETTE, 22 April 1846, copied by ST. CATHARINES JOURNAL, 30 April 1846; and MONTREAL GAZETTE, 25 April 1846, copied with some omissions by ST. CATHARINES JOURNAL, 30 April 1846; COBOURG STAR, 29 April 1846, which contained some speeches identical to those in the MONTREAL GAZETTE, 24 April 1846, and some which were not contained in the other sources; KINGSTON NEWS, 27 April 1846; LE JOURNAL DE QUEBEC, 23 and 28 April 1846; LE CANADIEN, 24 April 1846; and LA MINERVE of 23 and 27 April 1846 and LE JOURNAL DE QUEBEC, 30 April and 2 May 1846, in identical accounts except that LE JOURNAL DE QUEBEC contains fewer speeches. Commentaries on the debate are found in: PILOT, 23 April 1846, copied by the BATHRUST COURIER, 5 May 1846; and L'AURORE, 25 April 1846.
44. MIRROR, 21 April 1846.
45. MONTREAL GAZETTE, 24 April 1846.
46. MIRROR, 21 April 1846.
47. LE JOURNAL DE QUEBEC, 23 April 1846.
48. MIRROR, 21 April 1846.
49. MONTREAL GAZETTE, 24 April 1846.
50. MIRROR, 21 April 1846.
51. MONTREAL GAZETTE, 24 April 1846.
52. LE JOURNAL DE QUEBEC, 23 April 1846.
53. MIRROR, 21 April 1846.
54. MONTREAL GAZETTE, 22 April 1846.
55. MIRROR, 21 April 1846. The MONTREAL GAZETTE, 24 April 1846, noted that: "The announcement was received with loud cheers."
56. PILOT, 23 April 1846. LE JOURNAL DE QUEBEC, 28 April 1846, commented: "La discussion sur ces résolutions dura deux heures et resembla à celle de la précédente séance de vendredi dernier."
57. MIRROR, 21 April 1846.
58. LA MINERVE, 23 April 1846.
59. IBID., 27 April 1846.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MIRROR, 21 April 1846.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. LA MINERVE, 27 April 1846.
70. IBID.
71. IBID.
72. IBID.

73. IBID.
74. MIRROR, 21 April 1846.
75. The MONTREAL GAZETTE, 24 April 1846, commented: "The speech of the hon. gentleman was a bold and manly exposition of the question."
76. MIRROR, 21 April 1846.
77. MONTREAL GAZETTE, 24 April 1846.
78. MIRROR, 21 April 1846.
79. IBID.
80. MONTREAL GAZETTE, 24 April 1846.
81. MIRROR, 21 April 1846.
82. MONTREAL GAZETTE, 24 April 1846.
83. MIRROR, 21 April 1846.
84. MONTREAL GAZETTE, 24 April 1846.
85. MIRROR, 21 April 1846.
86. MONTREAL GAZETTE, 24 April 1846.
87. MIRROR, 21 April 1846.
88. MONTREAL GAZETTE, 24 April 1846.
89. MIRROR, 21 April 1846.
90. MONTREAL GAZETTE, 24 April 1846.
91 MIRROR, 21 April 1846.
92 MONTREAL GAZETTE, 24 April 1846.
93. MIRROR, 21 April 1846.
94. MONTREAL GAZETTE, 24 April 1846.
95. MIRROR, 21 April 1846.
96. MONTREAL GAZETTE, 24 April 1846.
97. MIRROR, 21 April 1846.
98. MONTREAL GAZETTE, 24 April 1846.
99. MIRROR, 21 April 1846.
100. IBID.
101. MONTREAL GAZETTE, 24 April 1846.
102. MIRROR, 21 April 1846.
103. MONTREAL GAZETTE, 24 April 1846.
104. MIRROR, 21 April 1846.
105. MONTREAL GAZETTE, 24 April 1846.
106. MIRROR, 21 April 1846.
107. MONTREAL GAZETTE, 24 April 1846.
108. MIRROR, 21 April 1846.
109. MONTREAL GAZETTE, 24 April 1846.
110. IBID.
111. MIRROR, 21 April 1846.
112. MONTREAL GAZETTE, 24 April 1846.
113. MIRROR, 21 April 1846.
114. MONTREAL GAZETTE, 24 April 1846.
115. MIRROR, 21 April 1846.
116. MONTREAL GAZETTE, 24 April 1846.
117. IBID.
118. MIRROR, 21 April 1846.
119. MONTREAL GAZETTE, 24 April 1846.
120. MIRROR, 21 April 1846.
121. IBID.

122. IBID.
123. MONTREAL GAZETTE, 24 April 1846.
124. MIRROR, 21 April 1846.
125. IBID.
126. MONTREAL GAZETTE, 24 April 1846.
127. MIRROR, 21 April 1846.
128. IBID.
129. IBID.
130. MONTREAL GAZETTE, 24 April 1846.
131. MIRROR, 21 April 1846.
132. MONTREAL GAZETTE, 24 April 1846.
133. MIRROR, 21 April 1846.
134. MONTREAL GAZETTE, 24 April 1846.
135. MIRROR, 21 April 1846.
136. MONTREAL GAZETTE, 24 April 1846.
137. IBID.
138. IBID.
139. IBID.
140. IBID.
141. MIRROR, 21 April 1846.
142. IBID.
143. COBOURG STAR, 29 April 1846.
144. IBID., which also mistakenly included in Draper's speech portions of William's previous remarks.
145. MIRROR, 21 April 1846.
146. IBID.
147. IBID.
148. MONTREAL GAZETTE, 24 April 1846.
149. IBID., 22 April 1846.
150. IBID., 24 April 1846.
151. MIRROR, 21 April 1846.
152. MONTREAL GAZETTE, 24 April 1846.
153. MIRROR, 21 April 1846.
154. MONTREAL GAZETTE, 24 April 1846.
155. MIRROR, 21 April 1846.
156. MONTREAL GAZETTE, 24 April 1846.
157. MIRROR, 21 April 1846.
158. MONTREAL GAZETTE, 24 April 1846.
159. MIRROR, 21 April 1846.
160. MONTREAL GAZETTE, 24 April 1846.
161. MIRROR, 21 April 1846.
162. MONTREAL GAZETTE, 24 April 1846.
163. MIRROR, 21 April 1846.
164. IBID.
165. IBID.
166. MONTREAL GAZETTE, 24 April 1846.
167. MIRROR, 21 April 1846.
168. MONTREAL GAZETTE, 24 April 1846.
169. MIRROR, 21 April 1846.
170. MONTREAL GAZETTE, 24 April 1846.

171. MIRROR, 21 April 1846.
172. IBID.
173. IBID.
174. IBID.
175. MONTREAL GAZETTE, 24 April 1846.
176. MIRROR, 21 April 1846. The MONTREAL GAZETTE, 22 April 1846, reported: "The names were not taken down, but in the minorities we noticed both Messrs. Baldwin and Lafontaine."
177. MONTREAL GAZETTE, 24 April 1846.
178. IBID.
179. MIRROR, 21 April 1846.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. MONTREAL GAZETTE, 24 April 1846.
185. MIRROR, 21 april 1846.
186. IBID.
187. MONTREAL GAZETTE, 24 April 1846.
188. MIRROR, 21 April 1846.
189. MONTREAL GAZETTE, 24 April 1846.
190. MIRROR, 21 April 1846.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. MONTREAL GAZETTE, 24 April 1846.
196. The following debate was reported in identical accounts in: MIRROR, 21 April 1846, PILOT, 23 April 1846, and BATHURST COURIER, 5 May 1846.
197. MIRROR, 21 April 1846.
198. IBID.
199. IBID.
200. The following question and answer were reported in identical accounts in: MIRROR, 21 April 1846, PILOT, 23 April 1846, and MONTREAL GAZETTE, 24 April 1846.
201. MIRROR, 21 April 1846.
202. IBID.
203. MONTREAL GAZETTE, 24 April 1846.
204. IBID.

WEDNESDAY, 22 APRIL 1846.[1]

(141)

Petitions laid on the Table. THE following Petitions were severally brought up and laid on the table.

By Mr. Macdonell of Dundas,--The Petition of John A. Pierce and others, who have purchased portions of the lands of the late Captain William Duncan, of Williamsburg, in the County of Dundas.

(142)

By Mr. Merritt,--The Petition of Joseph Browitt, and others, of Dereham and other Townships, in the District of Brock.

By the Honourable Mr. Aylwin,--The Petition of Robert Julyan, Assistant Harbour Master of the Port of Quebec.

By Mr. Murney,--The Petition of William Tremain and others, Lumberman and others; and the Petition of Edward Hollingsworth and others, members of the United Church of England and Ireland, in the Township of Tyendinaga, in the Diocese of Toronto.

By Mr. M'Connell--The Petition of the Reverend David Gibbs, A.M., and others, of Granby.

By Mr. Chabot,--The Petition of Pierre Curodeau, and others, Pilots for and below the Harbour of Quebec; and the Petition of the Mayor and Councillors of the City of Quebec.

By Mr. Seymour,--The Petition of the Reverend Paul Shirley and others, members of the United Church of England and Ireland, in the Diocese of Toronto.

By Mr. Leslie,--The Petition of Pierre Pagé and others, Pilots for the Harbour of Montreal.

By Mr. Taché,--The Petition of E. M. Soulard, Esquire, Mayor, and Amable Morin, Secretary, on behalf of the Municipal Council of the Parish of St. Roch des Aulnets.

By Mr. Chauveau,--The Petition of Ferdinand Murphy and others, of the Parish of St. Gabriel de Valcartier.

By Mr. Scott,--The Petition of William Parks and others, of the Parish of St. Benoit, in the County of Two Mountains.

Petitions Read. Pursuant to the Order of the Day the following Petitions were read:--

Of Joseph Hovington and Ephraim Tremblay of Tadousac, in the County of Saguenay, Navigators; praying that no exclusive privilege be granted to the persons who have Petitioned to be appointed Branch Pilots for the Saguenay.

Of William Price, of the City of Quebec, Esquire; praying that certain individuals, in his employ as Pilots, may not receive Branches as Pilots for the River Saguenay, as they have Petitioned for.

Of the Reverend Pierre M. Migneault, Founder and Superior of the College of Chambly; praying for an aid for the said College.

Of G. W. Arnold and others, of Brockville; praying that the Trustees

of a certain lot of ground in the said Town may not be authorized to hold it, except for the purposes of an Infant School, nor to dispose of the same except for the benefit of the purchasers of the said lot.

Of Isaac Beecher, of the Town of Brockville, in the District of Johnstown; praying for a Patent for an improvement in Bark Mills, for Grinding Tanner's Bark.

Resolved, That the Rule of this House, which limits the time for receiving Private Petitions, be suspended, as regards the said Petition.

Of the Reverend David Gibbs, A.M. and others, of the Township of Granby, in the County of Shefford; praying that all classes of Her Majesty's subjects in this Province may have an equal share in the management and advantages of King's College, and that no grant be made to McGill College, except on these conditions.

Of E. Renwood, Secretary on behalf of the Medical Board of Canada West; praying that they may receive a copy of any Bill which may be introduced, touching their interests, and that they may be allowed to express an opinion on its provisions previous to any action being taken thereon.

Of A. Proudfoot, Esquire, and others, members of the United Church of England and Ireland, in the Township of Trafalgar, in the Diocese of Toronto; and of the Reverend John A. Mulock and others, members of the United Church of England and Ireland; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands, as shall correspond with their share of the income arising from the same.

Of the Reverend R. R. Burrage and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Jeffery Hale, Esquire, and others, officers and members of the British and Canadian School Society; praying for an Act of Incorporation.

Resolved, That the Rule of this House which limits the time for receiving Private Petitions, be suspended, as regards the said Petition.

Of John Thom and others, of the Township of Scarborough, in the Home District; praying that no division may be made of the Clergy Reserve Lands; but that the proceeds thereof be appropriated to the promotion of General Education.

Of the Right Reverend the Lord Bishop of Toronto, and others, members of the United Church of England and Ireland, in the City of Toronto; praying that the said Church may have the control of its share of the Common School Funds.

Of the Board of Trade of the City of Toronto; praying that Her Majesty may be addressed for a relaxation of the Imperial Protective Customs Duties in Canada; and for a repeal of the Provincial Duty on Foreign Wheat.

Of M. Townsend and others, School Commissioners for the Municipality of Clarenceville, in the District of Montreal; praying for certain amendments to the Common School Act.

Of John Mathison and James Grant, of the Township of Zorra, in the District of Brock; praying that they may be allowed to purchase a certain Clergy Reserve Lot, upon which they have settled, at the same price as other lands in the neighbourhood.

Of N. B. Doucet and L. R. Lacoste, Esquires, in behalf of the Notaries Public of the District of Montreal; praying that the Bill introduced during this Session, to regulate formalities of authentic Actes, passed before Notaries, be not passed by the House.

Of O. Dorman and others, of the Township of Potton, in the District of Montreal; praying for aid to complete a certain Road from Sutton through the said Township to Lake Magog.

Of F. B. Blanchard, Esquire, and others, of the Township of Kingsey, in the County of Drummond; complaining of certain Militia appointments and praying relief.

Of Donald Cameron, of the Township of Thorah, in the Home District; complaining that certain claims held by himself and his followers against the Provincial Government have never been liquidated, and praying for an investigation.

Of William Bates and others, of Kitley, and other Townships, in the District of Johnstown; complaining that the Deputy Post Master General has refused to comply with their just requests and praying relief.

Of John Scriver, Merchant, of the Township of Hemmingford; praying that the law which exists in the Seigniories relating to the disposal of effects belonging to minor heirs, may be extended to the Townships.

(143)

Of John Watch, Esquire, and others, of the neighbourhood of Woodstock, in the District of Brock; praying for the repeal of the duty on Salt, and that no further encouragement be afforded to the importation of American Agricultural Produce.

Petitions Referred:

H. N. Patton, et al.

Resolved, That the Petition of Horatio N. Patton, Esquire, and others, citizens of Quebec, and inhabitants of the Parish of Point Levi, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Solicitor General Taschereau, Mr. Christie, and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

N. Jones, et al.

Resolved, That the Petition of Norman Jones and others, of the Townships of Markham and Whitchurch, in the Home District, be referred to a Select Committee, composed of Mr. Monro, the Honourable Mr. Solicitor General Sherwood, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

persons, papers, and records.

J. Lesslie, et al.
M. Young, et al.
D. Rintoul, et al.
T. G. Coyne, et al.
L. H. Cronk, et al.
D. Buchan, et al.
R. M'Cosh.
J. Johnston, et al.
J. Bogart, et al.

Ordered, That the Petition of John Lesslie and others, inhabitants of the Township of West Flamborough, in the District of Gore; the Petition of Moses Young and others, of the Township of Dumfries, in the County of Halton; the Petition of David Rintoul and others, of the Township of Beverley; the Petition of Thomas G. Coyne and others, of the Township of Dunwich, in the District of London; the Petition of Luther H. Cronk and others, of the Township of Whitby; the Petition of David Buchan and others, of the Village of Paris, in the District of Gore; the Petition of the Reverend R. M'Cosh, in behalf of the Presbyterian Congregation of Paris; the Petition of John Johnston and others, of the Townships of Uxbridge and Scott; and the Petition of John Bogart and others, of the Township of Whitchurch; be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

D. Cameron.

Resolved, That the Petition of Donald Cameron, of the Township of Thorah, in the Home District, be referred to a Select Committee, composed of Mr. Stewart of Bytown, Mr. Price, Mr. Dickson, Mr. Williams, Mr. Macdonell of Dundas, Mr. Macdonald of Kingston, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

W. Price.
J. Hovington, and E. Tremblay.

Ordered, That the Petition of William Price of the City of Quebec, Esquire, and the Petition of Joseph Hovington and Ephraim Tremblay of Tadousac, in the County of Saguenay, Navigators, be referred to the Select Committee to which was referred the Petition of James Alexander and others, Navigators, residing in the County of Saguenay; and other references.

W. Bates, et al.

Ordered, That the Petition of William Bates and others, of Kitley and other Townships, in the District of Johnstown; be referred to the Select Committee appointed to inquire into the Post Office Department.

Mayor and Councillors of Quebec.

Mr. Chabot, from the Select Committee to which was referred the Petition of the Mayor and Councillors of the City of Quebec, with power to report from time to time, presented to the House the First Report of the said Committee, which was again read at the Clerk's Table, and is as followeth:--

Report.

Your Committee have considered the two Petitions

from the said Mayor and Councillors; praying respectively for the repeal of a certain Act of 6th Victoria, chapter 23, intituled, "An Act to incorporate a Company under the style and title of the Quebec Gas Light and Water Company,"--and that similar powers to those thereby granted may be vested in the Corporation of Quebec; and after taking evidence upon the subject, which they have the honour to report herewith, they beg leave to recommend that the prayer of the said Petitions be granted.

MINUTES OF EVIDENCE.

James Dean, Esquire of Quebec, called in, and examined.

1. Are you one of the Members of the Quebec Gas Light and Water Company, incorporated by the Act of 6th Victoria, cap. 23?--I was originally, but I am not now.

2. Has the said Company commenced any of the Gas Works or Water Works mentioned in the said Act?--No.

3. Is it the intention, or is it in the power of the said Company to complete their works within the time prescribed by the Act?--So far as respects the Gas Works, I should imagine not; they might possibly have the Water Works completed.

4. Is it the intention of the said Company to commence operations, and to carry their Act of incorporation into effect?--I cannot say; I have had nothing to do with the Company for about two years.

George O'Kill Stuart, Esquire, Mayor of the City of Quebec, called in, and examined.

5. Is the City of Quebec lighted in any manner at this time?--The leading thoroughfare through the Upper and Lower Town is occasionally lighted, and has been so until a very short time past. The streets lighted are St. Peter Street, St. John Street, and Fabrique Street.

6. To what do you attribute, that the City is not lighted throughout?--The reliance placed by the citizens of Quebec, upon the formation of a Company under the Provincial Statute of 6 Vict. cap. 23,--which Company has not yet been formed; and also to the circumstance that the Corporation of Quebec have not sufficient powers confided to them for the purpose.

7. Would it be possible to put the Gas Works necessary for the lighting of the City of Quebec in full operation by the 12th October next?--It is impossible.

8. What is the population of Quebec?--I think it is about 35,000.

9. The Committee understand that you have had occasion to travel upon the continent of America,--are you aware of any city upon that continent, with the population of Quebec, which is not lighted either with oil or gas?--I am not.

10. Be pleased to state the powers which the Corporation of Quebec would seek to obtain, in order to effect the lighting of the city, and the supplying it with water?--They would require the powers conferred by the Act above mentioned, with authority to lease or assign over to individuals for a limited period, the right of establishing water works in case of their being unable to raise the money, or deeming it inex-

pedient to do so, and also the power to borrow the money required for the construction of the works.

11. In what manner is the City of Quebec supplied with water at present?--Principally from the River St. Lawrence, by cartage, which is very expensive and inconvenient; and the water, particularly in the spring, when thus conveyed, is not pure.

12. In cases of fire, how is a supply of water obtained, and is there any difficulty in procuring it?--It is principally supplied by carters, but from the local situation of Quebec, it is impossible to

(144)

obtain this supply in sufficient time, and in winter it cannot be procured at all.

13. In what manner would you propose to obtain the requisite funds for the erection of Gas and Water Works, and what would be your security for the investment of money for that purpose?--The sum which the city is now authorized to borrow by its Act of Incorporation, is totally inadequate for the purpose, and it is necessary to empower the Corporation to raise a sum for the particular purpose, by borrowing on debentures: I thing the money so borrowed should be secured on the buildings and works constructed for the purpose, and on the revenues accruing from the same.

14. In your estimation, what sum would be necessary for the construction of the Gas and Water Works?--I have made inquiry on the subject, and so far as I can judge from the present population of the city, there should be about £35,000 for Gas, and £65,000 for the Water.

Thomas W. Lloyd, Esq., a member of the City Council of Quebec, called in and examined.

Ans. to Ques. 5.--It is partially lighted with oil; three of four streets are lighted about 15 nights every month.

Ans. to Q. 6.--The expense of lighting with oil is altogether beyond the means of the city; each lamp now lighted costing the Corporation about £6 a year, which would be equal to paying £18 a year for a single gas light, it being computed that one Gas burner gives more light than three oil lamps. The Corporation of the City has been deterred from establishing Gas Works, in consequence of the incorporation of certain persons for the purpose of lighting the City with Gas.

Ans. to Q. 7.--It would be physically impossible.

Ans. to Q. 8.--About 32,000 within the limits.

Ans. to Q. 9.--I am not. I have also travelled in Great Britain, and I do not recollect visiting any town of 5,000 inhabitants and upwards, that was not provided with gas lights.

Ans. to Q. 10.--The same powers conferred on the Gas and Water Company by the Act of 6 Vic. cap. 23, with a right to raise money be debenture, the repayment of which might be secured upon the works themselves,--and also a privilege to assign this power to any individuals or association, if the Corporation thought it for the advantage of the City to do so.

Ans. to Q. 11.--By wells, in a few public places, and from the Rivers

St. Lawrence and St. Charles; it is conveyed by porters and carters, at great expense, and is attended with great inconvenience to the citizens.

Ans. to Q. 12.--In the same manner there is great difficulty in procuring it in sufficient quantities to be of any service. I believe that if Water Works had existed in May and June last, the extensive conflagrations that then took place would not have happened.

Ans. to Q. 14.--£35,000 would be sufficient for the Gas, and £65,000 for the Water Works,--having in view the increase of the City for some years to come.

"Quebec Gas and Water Company Incorporation Act" Repeal Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to repeal the Act incorporating the Quebec Gas Light and Water Company.

He accordingly presented the said Bill to the House, and the same was received and read a second time on Tuesday next.

Quebec Water Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill for supplying the City of Quebec and parts adjacent thereto with Water.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Quebec Gas Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill for lighting the City of Quebec with Gas.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Sheriffs' Sales Bill.

Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill for empowering Sheriffs in Lower Canada to make judicial sales by Licitation.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Message from Legislative Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills without any amendment:

Fines and Recoveries Bill.

"An Act for the substitution of more simple modes of assurance in lieu of Fines and Recoveries."

Gaspé Administration of Justice Bill.

"An Act for the better administration of Justice in the General Sessions of the Peace for Gaspé, and for preventing charges upon the Treasury of the Province, for unnecessarily summoning Jurors thereto."

"La Communauté des Filles de la Charité" Bill.

"An Act to Incorporate 'La Communauté des Filles de la Charité,' of the Parish of St. Hyacinthe, in the District of Montreal, for the care of infirm and sick persons, and for other purposes."

Also,

LEGISLATIVE COUNCIL,
Wednesday, 22d April, 1846.

Address, Magdalen Islands.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that His Excellency the Administrator of the Government has appointed tomorrow, at one o'clock, P.M., to be attended with the Address of both Houses on the subject of the annexation of the Magdalen Islands to the Province of Prince Edward Island; and that the Legislative Council have ordered that such Members as are of the Executive Council, do attend His Excellency at that time on the part of this House.

And then he withdrew.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do attend His Excellency the Administrator of the Government, on the part of this House to-morrow at one o'clock, P.M. with the Address of both Houses on the subject of the annexation of the Magdalen Islands to the Province of Prince Edward Island.

Address, Militia Promotions (L.C.)

Mr. Laurin moved, seconded by Mr. Bertrand, that an humble Address be presented to His Excellency, the Administrator of the Government; praying that His Excellency will be pleased to cause to be laid before this House all documents addressed to him, complaining of the recent Militia promotions, and also all correspondence between the Adjutant General of Militia for Lower Canada, and old Militia Officers, with reference to the said promotions.[2]

MR. LAURIN in proposing this motion referred to the complaints which had been made against the Adjutant General for the recent Militia appointments, and intimated that it was to obtain information in reference to these complaints that he desired to have the documents asked for.[3]

MR. AT. GEN. SMITH thought that the House would refuse this motion.[4] Without wishing in the least degree to conceal any charge against any public officer, ((he)) should say that he thought it scarcely correct to propose an enquiry which would embrace all the charges that may have been made against the officer complained of[5] to justify an application of this sort.... Parties who thought they had a right to complain should come forward and make specific charges, which might either be rebutted or substantiated.[6] Should the hon. member prefer some one specific charge, some fact, he would find the Government ready to act in the matter as far as the public service might require.[7]

MR. DRUMMOND--agreed with the hon. Attorney General East, that it would be more regular if the hon. member for Lotbiniere would limit the purport of the address, especially as it would be a difficult task indeed, for any Government to investigate the myriad charges with their many tortuous incidents which are probably pending against the notorious officer referred to.[8] He thought the House would be requiring from the Ministry far more than it was capable of performing if they required this.[9]

MR. CHRISTIE--was opposed to the motion because of its vagueness, and added that he believed that Col. Gugy was not responsible for many of the errors imputed to his department. He (Mr. Christie) knew himself of one case of grievance which upon becoming known to that officer would have been immediately redressed by him, had not the party complaining refused to accept redress. He (Mr. Christie) believed that Col. Gugy had no other wish on earth than to do his duty like an honest man.[10]

DR. TACHE ... justified the conduct of the Adjutant General, and contended that the charges against him were too vague to justify the House in passing this motion.[11]

MR. AYLWIN--had no desire to pronounce upon the grievances alleged against the Adjutant General's Department; he believed they were many, and although the party accused and himself were not on the best terms, he was nevertheless anxious for a calm and impartial investigation.[12] ((He)) also thought the charges brought against the Adjutant were of too vague a character to admit of any action being taken upon it by the House,[13] ((nor did he)) hold the Adjutant General so much responsible[14] to the House[15] for the abuses complained of as he did the hon. member for Three Rivers, and the other members of the Administration; he held it to be a good doctrine that the Government were responsible for militia appointments.[16]

MR. PRES. EX. COUN. VIGER was surprised that any gentleman acquainted with Parliamentary practice would introduce a motion so informal. The Government could not proceed except upon a precise case.[17]

MR. BERTHELOT[18] spoke ... against the ministry for their neglect to expose and act upon the multitude of charges against the Adjutant General; he pointedly alluded to the members of the Administration belonging to Lower Canada, and ... denounced their abandonment of the honor and interest of their race in conniving at the gross injustice perpetrated by the officer referred to.[19]

MR. SOL. GEN. SHERWOOD did not rise to speak of the motion so much, although he was opposed to it, as to deny the doctrine advanced by the hon. member for Quebec, that the Government were responsible for the Militia appointments.[20] He contended that, neither in England nor Canada, was it ever heard of, that Military offices should be disposed of according to the political views of the party in power[21]. ((It)) ought not to be allowed.... The moment the militia are placed under

any faction, he did not care whether it was Conservative or Radical, there was an end to its efficiency. The militia patronage ought, in his judgment, ((to)) be under the exclusive controul of the head of the Government.[22] It was generally believed in Upper Canada that the object of the late Administration had been to get the Militia patronage in their hands[23]. Under the cloak of demanding to be consulted ((they had)) sought to obtain the controul of the militia appointments, the better to carry out the views of their leader, the hon. member for the Fourth Riding, to govern by a party, through a party, and for a party.[24]

MR. BALDWIN ... I never uttered anything of the sort.[25]

MR. SOL. GEN. SHERWOOD ((resumed.)) At any rate it was supposed by the people in Upper Canada[26], that the hon. member had said so in substance[27] ((and)) that that was the object of the hon. gentleman's party, and it was that which had influenced their opinion on the merits of political parties.[28]

DR. LATERRIERE and MR. LAFONTAINE ((spoke.))[29]

MR. LAURIN replied ((to Mr. Sherwood)), contending that the complaints which had been[30] made public on the subject[31] justified the House in endeavouring to get at the best evidence which would enable it to investigate the subject to the bottom.[32]

MR. BALDWIN would repeat what he had said upon the occasion of discussing the answer to the speech from the throne, namely, that the distribution of militia patronage should be made without any reference whatever to party, in order that the whole body of the community might feel alike on the great question of defending the country, and that the men who were to serve under the officers appointed should be entirely free from feeling or suspecting that they were organized or controlled for any purpose of party politics; and (said the hon. member) if this is not the case, if a ... contrary feeling is allowed to obtain amongst the militia, the consequences upon the day of trial may be fatal in the extreme; he therefore wholly deprecated the interference of party views in the regulation of the militia; but while he said that he was not disposed to admit that the Government were not responsible for Militia appointments. What! Was an Adjutant General to pursue a course which if it did not actually throw the country into rebellion, tended to destroy the efficiency of the Militia, and where (sic) the Ministers of the Crown then to come to the House and with folded arms disclaim all responsibility for such a state of things? It would be absurd and ridiculous to allow anything of the kind. The contrary was the true English principle, and ought to be applicable here. He (Mr. Baldwin) should next advert to a charge that had been he believed for the second or third time, thrown out against him by the Hon. Sol. General West. He (Mr. B.) never did state that the Government should be carried on <u>for</u> a party; he could not have said so, because he had never thought so; he denied most unequivocally that the late Ministry acted upon such a principle; and he had no doubt when the time arrived for comparing the conduct of the present Ministry in that regard with that of his

late colleagues and himself, the difference would be found to be decidedly in favour of the latter. (Hear.) It would then be seen that although the supporters of the present Ministry who upon a late occasion, as the Hon. Attorney General West was pleased to inform the House, so kindly consented to continue their confidence and support, although that disinterested and most independent body of men were willing enough to hear and applaud lip declarations about the distribution of patronage without reference to party, yet, when the proper time came they could demand the exercise of a judicious discretion on the part of the Ministry; and it would also be seen that the action of the Ministry by no means disappointed them. He (Mr. B.) certainly did not blame either the Ministry or their friends for such a course but he did complain that before and during the late election a contrary doctrine should have been trumpeted forth when, as was now perfectly evident, it was never the intention to practice it. He (Mr. B.) begged again to repudiate most distinctly the doctrine imputed to him by the Solicitor General; he was not surprised at such a charge being made in the newspapers; he did not complain of that or anything else which appeared against him from the latter source, although he believed he got more than his share of their calumny, but he was astonished, and did regret, that the hon. Solicitor General should more than once on the floor of that House, and in his (Mr. B's.) very face, attribute to him unintentionally no doubt, a declaration which he not only never uttered but never felt.[33]

MR. J. S. MACDONALD, of Glengarry, would vote against the motion, because of its being too general in its character.[34] To pass it would only be to hold out an inducement to all the malcontents in Lower Canada to multiply their complaints against the Adjutant General.[35] At the same time he held that the Ministry were responsible for the misdeeds of the Adjutant General, and ought to grant an investigation. No one could read the Lower Canada papers without seeing that numerous charges existed; and it should be remembered that complaints were not confined to one class of papers, but were also prominently put forth in the Herald[36], a paper which stood - and deservedly so - among the highest of the Conservative Journals; had given currency to them.[37] An enquiry should, in justice to the Adjutant General himself, be entered into; for if he were not guilty, he had certainly been victimised[38], ((and)) was a much calumniated man[39]. A specific fact could, however, be the only ground upon which to proceed. The hon. member further remarked, that in Upper Canada militia appointments were made entirely irrespective of party, and it ought to be so in Lower Canada.[40]

(144)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

(145)

YEAS.

Berthelot, Cauchon, Chauveau, DeWitt, Jobin, Lacoste, Lantier,

Laurin, Macdonell of STORMONT, and Scott.--(10.)

NAYS.

Baldwin, Bertrand, Boulton, Boutillier, Cayley, Chabot, Chalmers, Christie, Colville, Cummings, DeBleury, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, Foster, Franchère, Gowan, Hale, Hall, La-Fontaine, Laterrière, LeBoutillier, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Merritt, Méthot, Meyers, Moffatt, Monro, Murney, Nelson, Papineau, Powell, Riddell, Robinson, Roblin, Rousseau, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Thompson, Viger, Webster, Williams and Woods.--(56.)

So it passed in the negative.

On motion of Mr. Thompson, seconded by Mr. Leslie,

Address, Welland Canal Tolls.

Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government, praying that he will be pleased to cause to be laid before this House, a Statement of the names of all Collectors of Tolls on the Welland Canal, and Cut at the mouth of the Chippawa River, the amount of their salaries during the present year, together with the amount of Tolls collected by them respectively during that period.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House as are of the Honourable the Executive Council of this Province.

Quebec and Melbourne Railroad Bill.

Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill to incorporate the Quebec and Melbourne Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Quebec St. George's Society Incorporation Bill.

Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill to incorporate the St. George's Society of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Macdonell of Dundas, seconded by Mr. Meyers,

Vanzandt's Relief Bill.

Resolved, That a Message be sent to the Honourable the Legislative Council to request that their Honours will be pleased to communicate to this House a copy of the Minutes of Evidence taken before their Honourable House, on the Bill intituled, "An Act for the relief of Juliet Vanzandt, wife of Jacob L. Vanzandt, who claims as sister of the half blood of Richard Duncan, late of Williamsburg, in the Eastern District

of this Province."

Ordered, That Mr. Macdonell of Dundas do carry the said Message to the Legislative Council.

On motion of Mr. Powell, seconded by Mr. Roblin,

Universalists, (U. C.) *Ordered, That the Select Committee to which were referred the Petition of the Reverend David Leavitt and others, Ministers and Members of the Christian Universalist Association of Canada West, and the Petition of the Reverend Benjamin Fralick and others, the Ministers and Members of the Christian Universalist Association for Canada West, be dissolved; and that the said Petitions be referred to the Standing Committee on Private Bills.*

Middlesex Election. *On motion of Mr. Dickson, seconded by Mr. Merritt, Ordered, That the Select Committee, appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament, have leave to adjourn until Monday next.*

Order for attendance of certain Members in their places, read. *The Order of the Day, that Mr. Seymour, Mr. Lacoste, Mr. M'Connell, and Mr. Williams, Members of the Select Committee appointed to try the merits of the contested Election for Middlesex, do severally attend in their places in this House this day, being read;*

Order Discharged. *Ordered, That the said Order of the Day be discharged; Mr. Seymour, Mr. Lacoste, Mr. M'Connell, and Mr. Williams, having been at the time sitting on another Election Committee.*

MR. INSP. GEN. CAYLEY moved that the House do receive the report of the Committee on the resolutions to repeal the Act. 6 Vic. Chap. 31[41].

Carried.[42]

(145)

Act 6, Vic. ch. 31, and 8 Vic. ch. 3, (Customs Duties.) *Mr. Méthot, from the Committee of the whole House, to take into consideration the propriety of amending the Act 6 Vict., cap. 31, and the Schedule of Duties granted by 8 Vict. cap. 3, reported, according to Order, the Resolutions were again read at the Clerk's table, and are as followeth:--*

Resolutions. *1. Resolved, As the opinion of this Committee, that it is expedient, that so much of the Act 6. Vict. chap. 31, as relates to the imposition of a duty of three shillings sterling per quarter, on Foreign Wheat imported into this Province, be repealed.*

2. Resolved, As the opinion of this Committee, that a duty of

three shillings sterling per quarter, be imposed upon all Foreign Wheat imported into this Province, except for the purpose of exportation, or to be ground in Bond, for exportation.

3. Resolved, As the opinion of this Committee, that it is expedient that so much of the Schedule of Duties imposed by the Act 8, Vict., chap. 3, as relates to the imposition of a duty of three shillings sterling, per quarter, on Maize or Indian Corn imported into this Province, from a Foreign Country, be repealed.

4. Resolved, As the opinion of this Committee, that a duty of three shillings sterling per quarter be imposed upon all Foreign Maize or Indian Corn introduced into this Province, except for the purpose of exportation.

5. Resolved, As the opinion of this Committee, that it is expedient that so much of the Schedule of Duties imposed by the Act 8, Vict., chap. 3, as relates to the imposition of a duty upon Muscovado, Clayed, Bastard and other Sugars, not refined, imported into this Province, be repealed.

6. Resolved, As the opinion of this Committee, that a duty of seven shillings and sixpence, sterling, per hundred weight, be imposed upon Muscovado, Clayed, Bastard, and all other Sugars, not refined, imported into this Province.

7. Resolved, As the opinion of this Committee, that in addition to the articles enumerated in the Schedule to the said Act 8, Vict., chap. 3, on which duties are imposed, all descriptions of Dye-Woods be subject to and charged with an ad valorem duty of one per cent.

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Ordered, That the Question of Concurrence be now separately put upon each of the said Resolutions.

The motion ... ((was)) made to concur in the first resolution.[43]

MR. WILLIAMS said that on the first occasion this question had come before the Committee, he had stated his objections to the repeal of the duties at the present moment under an impression, which although perhaps erroneous, he was allowed by the members of the administration still to retain for want of correction. He considered it unsafe, uncertain and unwise legislation to speculate on contingencies. His impression was, that by repealing this act, they might be thrown back on the old duty of three shillings per quarter on Wheat imported into England, if the new scheme ... did not receive the assent of the Imperial Parliament, and therefore it was dangerous to legislate until certain information had been received from the Mother Country. He repeated that was his impression; it might not be correct, and he would in that case desire to be put right by some hon. member of the administration. The hon. member then proposed to shew the position in which the country would stand if he were correct. Under the existing law, Wheat exported from Canada is allowed to be imported into Great Britain at the mere nominal duty of one shilling per quarter, on condition, and he called the attention of hon. members to this; on condi-

tion that the Provincial Parliament of Canada impose a duty of three shillings per quarter on foreign Wheat imported into the Province[44], and only so long as it should be continued.[45] The imperial statute then goes on to state that whereas the Provincial Parliament has imposed this duty of three shillings per quarter, Wheat imported into Britain from Canada shall be admitted at the low rate he had already mentioned. But repeal this duty of three shillings per quarter, which was looked upon as a great boon in Upper Canada (hear) at the time the act was passed, and what will be the consequences? There may be a dissolution of the Imperial Parliament to-morrow; no person could say positively what had occurred in Britain, and if that should happen we would be thrown back on the old duty of three shillings per quarter on Canadian Wheat imported into Britain, until a new Parliament should meet and pass an act affirming these resolutions. If he were wrong in the view he took of the question, he desired to be corrected by the Hon. Attorney General, West, who would gain an accession of strength in the House by doing so.[46]

MR. AT. GEN. DRAPER said that the hon. gentleman might rest assured that[47] Ministers were not so careless of legal points as not to have taken such an important question as that proposed into their consideration[48]. The administration had paid the most anxious attention to all the consequences likely to result from its passage. And when the principle contained in these resolutions was assented to and the bill introduced, he would find that it was provided by a clause in the bill, that the present rates of duty be continued till the new act receive the assent of the Imperial Parliament. (Hear.) The Government had omitted no part of its duty but had fully provided against any such contingencies as the hon. member feared. With respect to what his hon. friend said as to the probable dissolution of the Imperial Parliament, he must confess he would be much surprised if such an event took place, but even if it did, no injury could result as the clause he mentioned would save the bill.[49]

MR. MOFFATT made some remarks which were inaudible.[50]

(146)

Resolutions. *And the first of the said Resolutions being again read, and the Question being put thereon, a division ensued, and the names being called for, they were taken down as followeth:--*

YEAS.

Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, DeWitt, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, Foster, Gowan, Hale, Hall, LeBoutillier, LeMoine, Macdonald of CORNWALL, Macdonald of [illegible], M'Donnell, Merritt, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster and Woods.--(42.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, [illegible], Cauchon,

Chabot, Chauveau, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonell of STORMONT, Méthot, Powell, Price, Roblin, Rousseau, Seymour, Smith of WENTWORTH, Taché, Thompson and Williams.--(28.)

So it was carried in the affirmative.

The second of the said Resolutions being again read, and the Question being put thereon, it was agreed to unanimously.

The third of the said Resolutions being again read, and the Question being put thereon, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Cayley, Chalmers, Christie, [illegible], Cummings, Daly, DeBlewry, DeWitt, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, Foster, Gowan, Hale, Lantier, LeBoutillier, LeMoine, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Smith of WENTOWRTH, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, and Woods.--(43.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, [illegible], Franchère, Jobin, Johnston, Lacoste, LaFontaine, Laurin, Leslie, Macdonell of STORMONT, Méthot, Powell, Price, Roblin, Rousseau, Seymour, and Taché.--(23.)

So it was carried in the affirmative.

The fourth and fifth of the said Resolutions being again severally read, and the Question being separately put upon each, they were agreed to unanimously.

The sixth of the said Resolutions being again read,

MR. INSP. GEN. CAYLEY ... moved that the ((sixth)) resolution lowering the duty on unrefined sugars be adopted.[51]

(146)

The Honourable Mr. Aylwin moved, seconded by Mr. Chauveau, that the said Resolution be recommitted to the Committee of the whole House, to reconsider the duty proposed thereby to be imposed.

MR. AYLWIN ... ((moved this amendment)) for the following reason, - Sugar was one of the necessaries of life, and in order to put it within the reach of the poor he would wish to have the duty reduced, and the duties on luxuries increased, but the reverse seemed to be the view taken of it by the Government who seemed inclined to lower the duties on luxuries, and increase them on those articles which were absolutely the necessaries of life. He was well aware that there were hon. members on the other side of the House who would say that the scale of duties proposed by Government should be carried; but he would beg them to remark that this particular portion of the scheme would have the

effect of putting into the pockets of the sugar refiners - the hon. member for Montreal would understand him[52]--

MR. MOFFATT - yes[53].

MR. AYLWIN ((continued:)) The exact sum of five shillings, there being no necessity for giving them any thing of the sort. It appeared by the same resolution that there was to be the same duty levied on Muscovado, a raw sugar, and Clayed, Bastard, and other kinds which are partially refined. Hon. members must be aware that all the sugars imported into this Province were not the produce of free labour; on the contrary, a great part of it came into the Province from Cuba by way of Halifax, or else as Clayed and Bastard sugars came by way of Great Britain where they received a degree of refinement which, nevertheless allowed them to pass at the same duty as raw sugars. On this subject he had great pleasure in concurring with the Board of Trade, although he did not feel very sure that it represented the trade of Quebec, but let that be as it may, he concurred with it on this subject and found the scheme of the hon. Inspector General faulty, he therefore moved that this resolution be referred back to a Committee of the whole House[54].

(146)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bourbillier, Cauchon, Chabot, Chauveau, Desaulniers, DeWitt, Drummond, Fremont, Jobin, Johnston, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Macdonald of GLENGARRY, Macdonell of STORMONT, Merritt, Methot, Powell, Price, Rousseau, Smith of WENTWORTH, and Taché.--(21.)

NAYS.

Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hale, LeBoutillier, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, McDonell, Magnire, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Rollin, Scott, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, and Woods.--(41.)

So it passed in the negative.

The sixth of the said Resolutions being then again read, and the Question being put thereon, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster,

Gowan, Hale, LeBoutillier, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, and Woods.--(41.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chabot, Chauveau, Desaulniers, DeWitt, Drummond, Franchère, Jobin, Johnston, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Macdonald of GLENGARRY, Macdonell of STORMONT, Merritt, Méthot, Powell, Price, Rousseau, Smith of WENTWORTH and Taché--(29.)

So it was carried in the affirmative.

The seventh of the said Resolutions being again read, and the Question being put thereon, it was agreed to unanimously, and

Resolved, That this House doth concur with the Committee in the said Resolutions.

Customs Duties Bill.

Ordered, That the Honourable Mr. Cayley have leave to bring in a Bill to alter and amend the duties imposed on the importation of certain articles therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Common School Bill, (U. C.)

Mr. Chabot, from the Committee of the whole House, on the Bill for the better establishment and maintenance of Common Schools in Upper Canada, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and are as followeth:--

First Clause:--

Fill up the first blank with the following words:--"A salary not to exceed five hundred pounds, currency, per annum, and to bear such a proportion to that sum as the sum of public monies paid towards the support of Common Schools in that part of this Province called Upper Canada, bears to that paid towards the support of Common Schools in that part of this Province called Lower Canada."

Fill up the second blank with the words, "One hundred and seventy-five pounds."

Fifth Clause:--

Fill up the first blank with "Fifteen hundred pounds."

Fill up the second blank with "Fifteen hundred pounds."

(147)

Eighth Clause:--

Strike out the Proviso at the end of the said Clause.

Tenth Clause:--

Add the following Proviso at the end of the said Clause:--"Provided always that the Title to any Common School House, and the Land and Premises appurtenant thereto, now vested in Trustees or other persons, to and for the use of any Common School, or hereafter to be purchased, acquired, and conveyed for such use, shall be vested in the District Council of the District in which such School Houses and Lands are situated, in trust for the use of such School respectively."

Twelfth Clause:--

Thirty and thirty-first lines--After "Clergyman," insert "or Ministers."

Thirty-third line--After "City," insert "the Judges of the District Court, the Warden of the District, and the Councillor or Councillors representing the Municipal Council of the District."

Nineteenth Clause:--

Fill up the blank with the words:--"A sum not exceeding two pounds."

Twentieth Clause:--

Thirty-fourth line--Strike out "persons qualified to vote thereat," and insert "landholders and householders."

Twenty-first Clause:--

Add the following words at the end thereof:--"Provided that any Trustee, if willing, may be re-elected."

Twenty-second Clause:--

First and second lines--Strike out "resident freeholder," and insert "person."

Third line--Fill up the blank with the words, "a sum not exceeding five pounds."

Twenty-fifth Clause:--

Strike out from "shall," in the thirty-seventh line, to "Corporation," in the fortieth line.

Forty-second and forty-third lines--Strike out "property read or," and after "personal," insert "property."

Forty-sixth line--Strike out from "Corporation," inclusive, to the end, and insert "District Council, for the several Common Schools, and in trust for such Schools respectively."

Twenty-sixth Clause, Third Section:--

Twenty-sixth line--Strike out "real or personal."

Twenty-ninth and thirtieth lines--Strike out "real or," and after "personal," insert "property."

Same Clause, Forth Section:--

Forty-first line--Strike out from "without," inclusive, to "nor," inclusive, in the forty-third line.

Same Clause, Fifth Section:--

Fourth line--After "cause," insert "in their discretion."

Sixth line--Strike out from "a sum," inclusive, to "and," also, inclusive, in the ninth line.

Twenty-fourth line--Strike out from "equal," inclusively to the end of the clause, and insert "sufficient with such allowance from the Common School Fund, for the purpose aforesaid."

Strike out the Sixth Section, and insert the following in lieu thereof:--

"Sixthly--To prepare and determine a rate bill quarterly, containing the name of each person liable to pay for the instruction of children sent by them to such Schools, and the amount for which he is liable, and by themselves, or any one of them, or by their collector, to collect from every person named in such rate bill, the amount therein charged against him, and in case they employ a collector, five per centum on each amount for the cost of collection, and to pay the amount so collected to the Teacher or Teachers entitled to receive the same; Provided that every person sending a child or children to any Common School shall be rated for a period of not less than two thirds of the current quarter."

Same Clause, Seventh Section:--

Seventh line--Strike out "assessment divisions," and insert "district rates."

Thirty-third Clause:--

Fill up the first blank with "Two hundred Pounds."

Fill up the second blank with "Forty Pounds."

Thirty-fourth Clause:--

Fill up the first blank with "Forty Pounds."

Fill up the second blank with "Fifty Pounds."

Fill up the third blank with "Five Hundred Pounds."

Thirty-fifth Clause:--

Thirtieth line--After "support of," insert "the Normal School and."

Fill up the blank with "Two hundred Pounds."

After the Tenth Clause, add the following Clause, marked A:--

"And be it further enacted, That where under or by virtue of any Act of the Legislature of this Province, for the establishment and maintenance of Common Schools, any School House shall have been erected, which from any cause whatever shall not have been paid for, to the person or persons entitled to the same, and for which a rate shall not have been assessed upon the School section, or where such rate shall have been imposed but not collected, in which the same was so built, it shall and may be lawful to and for the District Council of the District in which the same is situate, to levy by assessment a rate upon the inhabitants of such School section, sufficient in amount to pay the same."

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Attorney General Smith,

Ordered, That the Question of Concurrence be now separately put upon

each of the said amendments.

And the first of the said amendments being again read;

MR. AT. GEN. DRAPER[55] moved that the House do concur in the first blank being filled up with £500.[56]

MR. ROBLIN - This is not the time to increase salaries, but they ought rather to be reduced, because there is now a plan before the British Parliament, which will reduce the income of every farmer from 15 to 20 per cent. A new officer is created by this bill - it is true there was an assistant superintendant before, to whom £500 is to be given; £175 is also allowed for a clerk and contingencies; there are also to be District Superintendants, who will on an average receive £50 a-year. Men of superior education and ability can be found in the country who would be willing to fill this situation for £300, especially as the officer is not required to reside in Toronto. The present Superintendant (Mr. Ryerson) belongs to the same denomination as he (Mr. R.) did; and he is the only individual of the numerous body who held any situation of profit, as he (Mr. R.) was the only one in the Legislature. He (Mr. R) hoped that Dr. Ryerson would be maintained in his situation, as he was well qualified to fill it; though he (Mr. R) would have preferred to have an individual of no politics at all, in this important office, as he is obliged to meet and transact business with persons of all parties, and ought therefore to have their respect and confidence. The present incumbent took the office for £375, and if he should now be unwilling to retain his situation at that remuneration, there are plenty of other competent persons who would be willing to take his place. On a former occasion, when he made a similar motion to the one, he was now about to make, he was met by the objection, that the Superintendant for Lower Canada had £500 a-year, and it would be unfair to make a difference between the officers, in the two sections of the Province; since that time a new school bill has been introduced for Lower Canada, and this objection can now be removed by reducing the salary of the Lower Canada Superintendant. He (Mr. R) was not prepared to give £1000 to the Superintendants of education in this Province. He moved that £375 be inserted instead of £500.[57]

(147)

Mr. Roblin moved, in amendment thereto, seconded by Mr. Smith of Wentworth, that the words, "five hundred" be struck out, and the words "three hundred and seventy-five" be substituted, as the salary which shall be received by the Superintendent of Schools.

The Question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Cummings, Desaulniers, DeWitt, Franchère, Johnston, Laterrière, Laurin, LeMoine, Leslie, Mac-

(148)

donald of GLENGARRY, Macdonell of STORMONT, Merritt, Méthot, Powell, Price, Roblin, Rousseau, Scott, Seymour, Smith of WENTWORTH, and Taché.--(26.)

NAYS.

Boulton, Cayley, Chalmers, Chauveau, Colville, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, LaFontaine, LeBoutillier, Macdonald of CORNWALL, Macdonald of KINGSTON, Meyers, Moffatt, Papineau, Riddell, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, and Woods.--(27.)

So it passed in the negative.

MR. ROBLIN said he was not in habit of making a factious opposition to any measure, but he would now move that £400 be inserted instead of £500.[58]

(148)

Mr. Roblin then moved in amendment to the said first amendment, seconded by Mr. Smith of Wentworth, that the words "Five Hundred" be struck out, and the words "Four Hundred" substituted, as the Salary which shall be received by the Superintendent of Schools.

MR. ERMATINGER - The hon. member for Prince Edward is adopting a cheap way of purchasing popularity. He (Mr. E) was well known not to be in favour of the present officer, but as he was obliged to associate with gentlemen, he (Mr. E) thought he ought to have a respectable salary.[59]

(148)

The Question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Baldwin, Bertrand, Cauchon, Chabot, Cummings, Desaulniers, DeWitt, Franchère, Johnston, Lacoste, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Merritt, Méthot, Monro, Powell, Price, Roblin, Rousseau, Scott, Seymour, Smith of WENTWORTH, and Taché.--(26.)

NAYS.

Berthelot, Boulton, Cayley, Chalmers, Chauveau, Colville, Daly, Dickson, Attorney General Draper, Drummond, Duggan, Ermatinger, Gowan, Hale, LaFontaine, Laterrière, LeBoutillier, Macdonald of CORNWALL, Macdonald of KINGSTON, Meyers, Moffatt, Papineau, Riddell, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger and Woods.--(32.))

So it passed in the negative.

And the said amendments being again severally read, and the Question of Concurrence being separately put upon each, they were agreed to by the House, and

Resolved, That this House doth concur with the Committee in the said amendments.

Ordered, That the said Bill, as amended, be Engrossed.

Bytown Council Bill. The Order of the Day for the second reading of the Bill to define the limits of Bytown, and to establish a Town Council therein, being read;

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Stewart of Bytown, Mr. Sherwood of Brockville, Mr. DeWitt, Mr. Williams, Mr. Hale, Mr. Armstrong, and Mr. Johnston, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Authentic Actes Bill. The Order of the Day for the second reading of the Bill for better regulating the formalities of authentic Actes passed before Notaries, being read;

The said Bill was accordingly read a second time.

Notarial Profession Bill. The Order of the Day for the second reading of the Bill for the better regulation of the Notarial Profession in Lower Canada, being read;

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. LaFontaine, the Honourable Mr. Viger, Mr. Solicitor General Taschereau, Mr. Lantier, Mr. Jobin, and Mr. Méthot, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Great Western Railroad Bill. The Order of the Day for the second reading of the Bill, to alter and amend the Charter of the Great Western Railroad Company, being read;

Ordered, That the said Bill be read a second time on Wednesday next.

Titles to Lands Bill, (U. C.) The Order of the Day for the House in Committee, to take into consideration Resolutions for the repeal of so much of the Act of the Parliament of England, passed in the Thirty-second year of the Reign of His Majesty, King Henry the Eighth, which imposes a penalty upon the grantor and grantee of Land, and which declares, under certain circumstances therein mentioned, a title void;--and also for the abrogation of any usage or custom of England, to the extent of invalidating the title of a purchaser, when a third party may be in adverse possession at the time of passing such title, and substituting in lieu of such Statute Law, Usage, and Custom of England, an Act to be in force in Upper Canada, to enable parties to dispose of Real Estate without the disability imposed by such Statute, Law, Usage and Custom of England, as aforesaid, being read;

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Taché reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient that hereafter no penal action shall be

maintained on the Act of the Parliament of England, passed in the 32nd year of the Reign of King Henry the Eighth, and intituled, "The Bill of Bracery and Buying of Titles" in that part of this Province formerly the Province of Upper Canada.

District Court Bill, (U. C.) *The Order of the Day for the House in Committee on the Bill to amend an Act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province, formerly Upper Canada," being read;*

The House accordingly resolved itself into the said Committee.

Mr. Macdonald, of Cornwall, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Macdonald, of Cornwall, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Trial by Jury Bill, (U. C.) *The Order of the Day for the House in Committee for the consideration of certain Resolutions to extend the right of Trial by Jury, in certain cases in Upper Canada, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Merritt took the Chair of the Committee,[60]

MR. G. MACDONELL, of Dundas, had explained the resolutions on a former occasion. The object he had in view was to take away from the magistracy the power they now had of trying breaches of the revenue laws, and to give the subject the right to be tried by a jury of his countrymen. He (Mr. M'D.) considered that when the liberty or property of any individual was affected he ought to be able to demand a trial by jury. The present laws he considered to be unconstitutional and oppressive. The law is now abused; for inspectors have brought individuals 80 or 90 miles from their homes to answer for breaches of revenue laws. He (Mr. M'D.) wished to remedy this by obliging the inspector to prosecute individuals in the township in which they reside. He (Mr. M'D.) held that officials ought to be made to do their duty, for they are well paid. If the committee were not prepared to go as far as he proposed, he recommended that right of appeal should be granted from all decisions of magistrates to the Quarter Sessions. There was another subject which he was desirous of bringing before the committee, viz., that of licensing American Indeeper (sic). At present magistrates often refuse these licenses, and they are obliged to take out licenses in other persons' names. He (Mr. M'D.) though they had opposed him at the last election, was desirous of encouraging them, for they kept the best houses.[61]

MR. R. MACDONALD, of Cornwall, was not prepared to go the length that his friend, the member for Dundas, proposed. The magistrates do, generally, perform their duty. It is well, however, to put a check upon them, by giving the parties a right of appeal. This will make them more careful, knowing that their decisions will be reviewed in another court. He (Mr. M'D.) was afraid his friend, the member for Dundas, would never get the votes of the Yankee innkeepers, as he was too loyal a man for them. He would say, never give a Yankee innkeeper a license, for they create around them a nest of republicans. They circulate the life of Washington, and such works, and the Pilot, which he never wished to see in the hands of any one. (Oh! oh!)[62]

MR. HALE would defend the Americans from the remarks of the hon. member for Cornwall. Perhaps that hon. gentleman does not know that seven of the supporters of the present Administration are returned from places which are inhabited almost exclusively by Americans. While many of our own countrymen turned traitors to the cause, the Americans of the Eastern Townships all required their representatives to support the constitutional views of that great and good man who has been obliged to leave us, but who has left a monument in our hearts. During the time which it is fashionable to designate as the troubles, there was not a man of them who had not a musket. They are the descendants of New Englanders; and perhaps they may be different from the Americans in Upper Canada, as he believed they came generally from the south.[63]

Laughter from the opposition.[64]

MR. ROBLIN said, the hon. member for Dundas ought not to blow hot and cold at the same time. He had voted against Yankee schoolmasters, and now he voted to introduce Yankee innkeepers. He (Mr. R.) would ask, where is the most politics talked, in a groggery or a school house?[65]

MR. MONRO regretted exceedingly the remarks of the hon. member for Cornwall, and would put an end to the discussion by moving that the committee do now rise.[66]

At the recommendation of MR. AT. GEN. DRAPER, the resolution was amended to read thus: "Resolved, that in all cases of summary jurisdiction, there will be a right of appeal, under certain restrictions."[67]

This resolution was carried.[68]

(148)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Merritt reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient and just, that in all cases of summary jurisdiction before Magistrates, a right of Appeal should be allowed under certain restrictions.

(149).

Public Lands Bill.

The Order of the Day for the second reading of the Bill to extend the provisions of the 13th section of an Act of the Province of Canada, intituled, "An Act for the disposal of Public Lands," and to amend the said Act in other respects, and further to provide for the final settlement of Land Claims, being read;[69]

MR. D. MACDONELL of Stormont moved that it be read a second time.[70]

MR. AT. GEN. DRAPER requested the hon. gentleman to postpone the second reading, as the Government had the subject under consideration and was about to bring down a bill on the subject.[71]

MR. SEYMOUR hoped the hon. member for Stormont would persist in his measure, unless the Government were prepared to adopt the principle of his bill, and do justice to the United Empire Loyalists. All who served in 1812 were entitled to a bounty; and he did not wish to throw any reflections on the Lower Canada Militia, but from the extent of their boundary the Militia of Upper Canada had had most of the fighting. The Militia of Lower Canada had received scrip to a very large amount against the law, while those of Upper Canada had received nothing. The provinces are now united and we should endeavour to become one people by treating each section impartially. The amount that is required to pay these United Empire loyalists and Militia men need not be a bugbear as it only amounted to £11,000.[72]

DR. TACHE defended the Lower Canada Militia. Their conduct during the last war had proved them to be a gallant and brave people. They had volunteered not only to defend their own country but they had fought bravely in Upper Canada and in the United States.[73]

MR. MERRITT. - This is a measure to grant land, and land is money. We have now a valuable property in wild lands and by husbanding it, we may raise a fund that will educate properly all the children of Canada. But in consequence of this scrip system and other measures, he feared that our lands will never be permanently useful to the Province.[74]

MR. THOMPSON considered that the country was pledged to the United Empire loyalists, and they ought to be paid. The principle of this bill is founded on justice, and he trusted that this or some other similar measure would pass.[75]

MR. D. MACDONELL of Stormont. - Had the individuals, whose interest he advocated, been deprived of their property with their knowledge, he never would have introduced this bill, but the bill that he wished to amend was passed in 1841 and very few of them knew that it was passed, until the time expired. The United Empire loyalists were persons who resided in the United States previous to the revolution, who remained steadfast in their allegiance to the crown. To each of these individuals who came to Upper Canada, were given 200 acres and the same for every son and daughter. The Militia who served in 1812 were allowed 200 acres, while those who served during the remainder of the war, were

not allowed anything. He wished to give them also 100 acres, because their services were as great if not greater, as those who served in the former part of the war.[76]

(149)

Ordered, That the said Bill be read a second time on this day fortnight.

Simcoe Registry Office Bill. *The Order of the Day for the House in Committee on the Bill to provide for the removal of the Registry Office of the District of Simcoe, from its present site to Barrie, the District Town, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Chalmers took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Chalmers reported the Bill back to the House.

Resolved, That the said Bill be referred to a Select Committee, composed of the Honourable Mr. Robinson, Mr. Price, and Mr. Boulton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Instruction to Committee. *Ordered, That it be an Instruction to the said Committee, to adapt the Provisions of the said Bill to the several Districts of Upper Canada.*

Kingston Incorporation Bill. *The Order of the Day for the second reading of the Bill to incorporate the Town of Kingston, as a City, being read;*[77]

MR. J. A. MACDONALD, of Kingston, moved, that the Bill be now read a second time, stating that the contents of the Bill were similar to the one he had introduced last session, and that when the House went into Committee on it, the clauses would be discussed in detail.[78]

MR. SMITH, of Frontenac, said he was opposed to some part of the Bill, he would however allow it to be read a second time, but when the House went into Committee upon it, he would oppose all that part of it, which would put any part of the debt of the Town upon his constituents, and he was also opposed to increasing the limits of the Town; he held a petition in his hand against it, signed by 750 respectable inhabitants, and he trusted the House would not sanction the Bill they had petitoned (sic) against.[79]

MR. SEYMOUR, made some remarks about the difficulty the District Council has, to collect taxes from the Town, and stated that there was now a balance of £2,300, due from the Town to the District Council.[80]

MR. J. A. MACDONALD, of Kingston, said that there was a part of Kingston, containing between 3 and 4000 which was free from all taxes, and they of course petitioned this House to be kept free from all taxation; and that nearly one third of all the taxes levied by the District Council, were levied in Kingston, which paid £1,200 a year to the District Council, and that Toronto, a city twice as large as Kings-

ton, only pays £600, a year to the District Council.[81]

(149)

The said Bill was accordingly read, and committed to a Committee of the whole House on Monday next.

Election Law Amendment Bill, (L.C.) — *The Order of the Day for the second reading of the Bill to repeal certain Acts therein mentioned, and to regulate Elections in Lower Canada of Members of the Legislative Assembly, being read;*

The said Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. LaFontaine, the Honourable Mr. Viger, Mr. Hale, Mr. Chabot, Mr. Taché, Mr. Drummond, and Mr. Leslie, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Wild Fowl Preservation Bill. — *The Order of the Day for the second reading of the Bill for the better preservation of certain Wild Fowl in the County of L'Islet, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Chauveau took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Chauveau reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Presbyterian Synod Relief Bill. — *The Order of the Day for the second reading of the Bill to enable the Ministers of the Associate Presbyterian Synod of North America to keep Registers of Baptisms, Marriages, and Burials, performed by them, and for other purposes, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Boulton took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Boulton reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Burns' Relief Bill. — *The Order of the Day for the second reading of the Bill for the relief of Robert Easton Burns, Judge of the Home District Court, being read;*

Ordered, That the said Bill be read a second time on Wednesday next.

Unitarians Relief Bill. *The Order of the Day for the second reading of the Bill to afford relief to a certain Religious Congregation at Toronto, denominated "Unitarian Christians," being read;*

The said Bill was accordingly read, and ordered to be Engrossed.

Montreal Building Society Bill. *The Order of the Day for the second reading of the Bill to extend the provisions of the Act incorporating the Montreal Building Society, to the several Cities and Towns in Upper Canada, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Solicitor General Taschereau took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Solicitor General Taschereau reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Niagara International Bridge Bill. *The Order of the Day for the second reading of the Bill for erecting an international Bridge over the Niagara River, at or near the Falls of Niagara, being read;*[82]

MR. MERRITT moved the second reading of a bill to incorporate a Company for the purpose of constructing a Bridge at Niagara Falls, which it was intended should rival them in grandeur. It would cost £50,000 and he had no doubt of the success of the undertaking. The span would be 750 feet, not so great as that of a bridge at Freysburg in Switzerland, of which the span was 900 feet.[83]

MR. BOULTON was opposed to the measure. He had been informed by military men that it was a work which ought never to be completed.[84]

MR. MERRITT begged the hon. member to reserve the discussion until the House went into Committee on it[85].

(149)

The said Bill was accordingly read, and Committed to a Committee of the whole House to-morrow.

Quebec Trinity House Bill. *The Order of the Day for the second reading of the Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec, to Pilots and Pilotage in the Port of Quebec, and to the Quebec decayed Pilot Fund, and for other purposes, being read;*

DR. LATERRIERE[86] moved the adjournment.[87]

After some conversation MR. AT. GEN. SMITH consented to the adjourn-

ment on condition that his bills respecting the Trinity Boards of Montreal and Quebec, should stand first on the order for tomorrow.[88]

(149)

On motion of the Honourable Mr. Laterrière, seconded by Mr. Chabot,

Orders Postponed.

Ordered, That the remaining Orders of the Day be postponed until to-morrow, and that the House do now adjourn.

The House then adjourned.

APPENDIX, 22 APRIL 1846.

((WITHDRAWN MOTION RE: ADDRESS TO THE GOVERNOR GENERAL CONCERNING LOWER CANADA REBELLION LOSSES.))[90]

MR. SCOTT moved an address to the Governor General, for report of Commissioners on Rebellion losses in Lower Canada.[91]

MR. AT. GEN. SMITH - said that the report referred to had been received and would be laid before the House as soon as it was copied; he would therefore, suggest that there was no necessity for the address.[92]

Motion withdrawn ((by)) MR. SCOTT.[93]

FOOTNOTES - 22 APRIL 1846.

1. LA MINERVE, 23 April 1846, commented that Wednesday "il ne s'est rien passé de bien important."
2. The debate on this motion was reported by: MIRROR, 22 April 1846, and PILOT, 25 April 1846, in identical accounts; and MONTREAL GAZETTE, 24 April 1846. There is a commentary in LE JOURNAL DE QUEBEC, 25 April 1846. LE CANADIEN, 24 April 1846, observed: "Mercredi soir il y eut des débats animés sur la motion de M. Laurin," while, according to LE JOURNAL DE QUEBEC, 25 April 1846, "cette motion a soulevé des débats assez vifs."
3. MONTREAL GAZETTE, 24 April 1846,
4. IBID.
5. MIRROR, 22 April 1846.
6. MONTREAL GAZETTE, 24 April 1846.
7. MIRROR, 22 April 1846.
8. IBID.
9. MONTREAL GAZETTE, 24 April 1846.
10. MIRROR, 22 April 1846.
11. MONTREAL GAZETTE, 24 April 1846.
12. MIRROR, 22 April 1846.
13. MONTREAL GAZETTE, 24 April 1846.
14. MIRROR, 22 April 1846.
15. MONTREAL GAZETTE, 24 April 1846.
16. MIRROR, 22 April 1846.
17. IBID.
18. IBID. According to MONTREAL GAZETTE, 24 April 1846, Berthelot made "a very vociferous speech against those members of the Ministry who belonged to the 'Race Canadienne,' and the MIRROR observed that he spoke "indignantly" and "with much warmth."
19. MIRROR, 22 April 1846.
20. IBID.
21. MONTREAL GAZETTE, 24 April 1846.
22. MIRROR, 22 April 1846.
23. MONTREAL GAZETTE, 24 April 1846.
24. MIRROR, 22 April 1846.
25. IBID., which stated that he spoke "emphatically."
26. MONTREAL GAZETTE, 24 April 1846.
27. MIRROR, 22 April 1846.
28. MONTREAL GAZETTE, 24 April 1846.
29. IBID.
30. IBID.
31. MIRROR, 22 April 1846.
32. MONTREAL GAZETTE, 24 April 1846.
33. MIRROR, 22 April 1846.
34. IBID.
35. MONTREAL GAZETTE, 24 April 1846.
36. MIRROR, 22 April 1846.

37. MONTREAL GAZETTE, 24 April 1846.
38. MIRROR, 22 April 1846.
39. MONTREAL GAZETTE, 24 April 1846.
40. MIRROR, 22 April 1846.
41. IBID. The debate on this motion was reported by: MONTREAL GAZETTE, 24 April 1846; MIRROR, 22 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts; and PILOT, 23 April 1846, whose account was copied by BATHURST COURIER, 5 May 1846.
42. MIRROR, 22 April 1846.
43. IBID.
44. IBID.
45. MONTREAL GAZETTE, 24 April 1846.
46. MIRROR, 22 April 1846.
47. IBID.
48. MONTREAL GAZETTE, 24 April 1846.
49. MIRROR, 22 April 1846.
50. IBID.
51. IBID.
52. IBID. PILOT, 23 April 1846, commented that Aylwin made his speech to an audience of "very unwilling listeners."
53. MIRROR, 22 April 1846.
54. IBID.
55. The debate on this motion was reported by: MIRROR, 22 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts; and MONTREAL GAZETTE, 24 April 1846, noted it. A commentary appeared in the PILOT, 23 April 1846.
56. MIRROR, 22 April 1846.
57. IBID.
58. IBID.
59. IBID.
60. The debate on this matter was reported by: MIRROR, 22 April 1846, and PILOT, 25 April 1846, in identical accounts.
61. MIRROR, 22 April 1846.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. The debate on this matter was reported by: MIRROR, 22 April 1846, and PILOT, 25 April 1846, in identical accounts.
70. MIRROR,22 April 1846.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.

77. The debate on this matter was reported by: MIRROR, 22 April 1846, and PILOT, 25 April 1846, in identical accounts.
78. MIRROR, 22 April 1846.
79. IBID.
80. IBID.
81. IBID.
82. The debate on this motion was reported by: MIRROR, 22 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts.
83. MIRROR, 22 April 1846.
84. IBID.
85. IBID.
86. The following was reported by: MIRROR, 22 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts.
87. MIRROR, 22 April 1846.
88. IBID.
89. According to LA MINERVE, 23 April 1846: "La Chambre s'est encore ajournée hier soir à 11½ heures."
90. The debate on this matter was reported by: MIRROR, 22 April 1846, and PILOT, 25 April 1846, in identical accounts.
91. MIRROR, 22 April 1846.
92. IBID.
93. IBID.

(149)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Solicitor General Taschereau,--The Petition of M. Scott and others, of the Parish of St. Nicholas.

By Mr. Riddell,--The Petition of H. W. Barwick and others, of the District of Brock.

By Mr. M'Connell,--The Petition of Taylor Little and others, of the Townships of Hatley, in the County of Stanstead.

By Mr. Webster,--The Petition of Daniel Macnab, Esquire, and others, of the Town of Hamilton, in the District of Gore.

By Mr. Stewart of Bytown,--The Petition of Edward Mallock, Esquire.

By Mr. Murney,--The Petition of Milo M'Cargar, Esquire, and others, of South Gower.

By Mr. Scott,--The Petition of Hyacinthe St. Germain and others, of the Parish of St. Eustache.

(150)

By Mr. Gowan,--The Petition of James Donohoo, of the Township of Marlborough, in the District of Dalhousie; and the Petition of James Seelye, of the Township of Elizabethtown, in the County of Leeds.

By Mr. Rousseau,--The Petition of L'Esdras Manseault, Esquire, Mayor, and others, the Municipal Councillors of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska.

By Mr. Berthelot,--The Petition of Michel Honoré St. Jorre, of the Parish of Rivière Ouelle; the Petition of Cyprien LeBel, Esquire, and T. H. Pinet, on behalf of the Municipal Council of the Parish of St. Louis de Kamouraska, (relating to a Court of Justice); the Petition of Cyprien LeBel, Esquire, and T. H. Pinet, on behalf of the Municipal Council of the Parish of St. Louis de Kamouraska (relating to a Road); and the Petition of T. Charles Chapais, Esquire, Mayor, on behalf of the Municipal Council of St. Denis de la Bouteillerie.

By the Honourable Mr. Papineau,--The Petition of Richard Somerville and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec, praying for the establishment of a Mayor's Court.

On motion of Mr. Chabot, seconded by the Honourable Mr. Aylwin,

Petition of Mayor and Councillors of Quebec, read.

Ordered, That the said Petition be now read, and that the Rule of this House of the twenty-eighth of June, one thousand eight hundred and forty-one, be suspended as to the present Petition.

The said Petition was read accordingly.

Middlesex Election.

The Serjeant-at-Arms informed the House that, in obedience to its Orders of the 20th instant, and in

conformity to the Warrant issued by Mr. Speaker, he had taken into his custody William Horton and Thomas D. Warren, Esquires, Commissioners appointed to receive evidence in the matter of the Contested Election for the County of Middlesex.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Williams,

Ordered, That the Serjeant-at-Arms be directed to keep the said William Horton and Thomas D. Warren, Esquires, in his custody, until the further Order of the House.

Petition of Messrs. Horton and Warren.

A Petition of William Horton and Thomas D. Warren, Esquires, Commissioners appointed to receive evidence in the matter of the Contested Election for the County of Middlesex, was presented to the House by Mr. Williams, and the same was received and read, setting forth,

That your Petitioners under the Commission directed to them in that behalf, proceeded to take evidence, as by law required, on the 22nd day of February, 1845, at St. Thomas, in the County of Middlesex. That in consequence of the sitting Member for the said County having refused to proceed with the examination of evidence, on the alleged ground of the illegality of the proceedings under the said Commission, William Notman, Esquire, the Petitioner, declined going into evidence of bad votes, except in one Township, and partially in six other Townships, as will appear by the copy of the evidence and minutes of the proceedings of your Petitioners, now in possession of your Honourable House. That your Petitioners, by reason of Parliament not being then in Session, adjourned from time to time until the seventh of April instant, and that such last adjournment was made for the following reasons: Because your Petitioners were aware that both the Petitioner, William Notman, and the sitting Member would be in Montreal at the opening of the present Session of Parliament, and your Petitioners were of opinion that from the mutual admissions and statements of the Petitioner and sitting Member of the evidence having only been partially taken, your Petitioners would be ordered either to proceed in completing the evidence throughout all the Townships, or to transmit the evidence and minutes already taken and entered, to your Honourable House, and that your Petitioners, therefore, supposed that an adjournment until the seventh instant would afford the Committee an opportunity of signifying their decision as to what your Petitioners were required to do. That your Petitioners regret that their adjournment to so late a period, and their delay in transmitting the evidence has incurred the censure of your Honorable House, and they hope their want of promptness will be attributed to their inexperience in the matter, it having been the first investigation in which they had been engaged, and believing, as they did, that the course they had adopted was the proper one. Your Petitioners therefore respectfully pray, your Honourable House will be pleased to take a favourable view of their proceedings in the premises, and relieve them from their attendance upon the Summons issued against them to appear before the Bar of your Honourable House.

Unitarians

An Engrossed Bill to afford relief to a certain

Relief Bill. Religious Congregation at Toronto, denominated "Unitarian Christians," was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Price do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day the following Petitions were read:--

Of John Oswald and others, English inhabitants of the Parish of St. Augustin, in the County of Two Mountains; praying for certain amendments to the Common School Act.

Of L. E. Globensky and others, of the Parish of Ste. Scholastique, in the County of Two Mountains.

Of William Morrin, Esquire, and others, of the Parish of St. Augustin, in the County of Two Mountains; praying for the construction of a Road through St. Eustache, Petit Brulé to Bellefeuille, and thence to Grenville.

Of Charles C. Cotton and others, of Shefford, and other Townships in the Districts of Shefford and St. Johns; praying that the late territorial division of the District of Missisquoi may be restored for Judiciary purposes, and that Nelsonville be the place of holding the Court.

Of William Baker and others, Trustees of the Dunham Academy; praying for an aid in support of the said Academy.

Of Andrew Billing and others, of the Township of Sutton, in the County of Missisquoi; praying that the Imperial Act relating to the Clergy Reserves may not be interfered with.

Of Hosea Shaw and others, of Brock and other Townships, in the Home District; praying for the completion of the Road from Windsor to Sturgeon Bay.

Of Phillip Hoofstetter and others, of the Parish of St. Joseph de Soulanges, in the County of Vaudreuil; praying that the Land of a certain Road, no longer used, may be vested in them respectively.

Of the Reverend William H. Hobson and others, members of the United Church of England and Ireland, in the Parish of Chatham, in the Diocese of Toronto;--of the Reverend J. Wilson and others, members of the United Church of England and Ireland, in the Mission of Colborne and Grafton, in the Diocese of Toronto;--of William Armstrong and others, members of the United Church of England and Ireland, in the Townships of Markham and Vaughan, in the Diocese of Toronto;--of the Reverend

(151)

William Leeming and others, members of the United Church of England and Ireland, in Stamford, in the Parish of Chippawa, in the Diocese of Toronto;--of Frederick Mack and others, members of the United Church of England and Ireland, in Amherstburg and its vicinity, in the Diocese of Toronto;--of H. B. Wilson and others, members of the United Church of England and Ireland, in the Township of Hamilton, in the Gore District, in the Diocese of Toronto;--and of John O. Hatt, and others, members of the United Church of England and Ireland, in the Town of

Hamilton, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Reverend William Fraser and others, inhabitants of the Settlement of Breadalbane, Glengarry, praying that the Imperial Act relating to the Clergy Reserves may not be interfered with.

Of James Hamilton and others, of Dumfries, Waterloo, and other Townships; praying for aid to construct a Road to the East Boundary of the Huron Tract.

Of Philip Austin, President, and James Covernton, Secretary, of the Talbot District Agricultural Society; praying for the establishment of a Professor's Chair on Chemistry, in its application to Agriculture, in the University, and also for the establishment of Model Farms.

Of the Reverend John Harlin and others, the Ministers and members of the "New Jerusalem Church;" praying that they may enjoy the same rights and privileges as other religious denominations.

Of S. F. Goudreault, Esquire, and others, of the Parish of St. Jean des Chaillons, in the County of Lotbinière; praying that Lotbinière may be maintained as the place of the Registry Office, and that the Circuit Court may be held there.

Of Jean Baptiste Laliberté, Lieutenant in the First Battalion of Militia, of the County of Lotbinière; complaining of injustice done him by the Adjutant General in regard to a Militia appointment.

Of Robert Ferguson and others, of Kitley, and other Townships, in the County of Leeds; praying for the establishment of a Post Office, in a certain part of the said Township, and that John Brennan be appointed Deputy Post Master.

Of Archibald Campbell, Esquire, and others, of the City of Quebec; praying for an equal representation of the different Wards in the Council of the said City.

Of Julien Chouinard, Esquire, and others, of the City of Quebec; praying that Hawkers and Pedlars may be prohibited from exercising their calling, as such, in the City of Quebec.

Petitions referred:--

Rev. J. Wilson, et al.

T. Ewart, et al.

M. T. O'Beirne, et al.

Canada Baptist Union.

Ordered, That the Petition of the Reverend J. Wilson, and others, members of the United Church of England and Ireland, in the Mission of Colborne and Grafton, in the Diocese of Toronto; the Petition of Thomas Ewart, Esquire, and others, of the City of Toronto; the Petition of M. T. O'Beirne and others; and the Petition of J. M. Cramp, in behalf of the Canada Baptist Union, be referred to the Select Committee, to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

R. Ferguson, et al.

Ordered, That the Petition of Robert Ferguson and others, of Kitley, and other Townships, in the

the County of Leeds, be referred to the Select Committee appointed to enquire into the Post Office Department.

F. Roy, et al. — *Ordered, That the Petition of Féréol Roy, Esquire, and others, inhabitants of the South Shore of the River St. Lawrence, in the District of Quebec, be referred to the Select Committee, to which was referred the Petition of Horatio N. Patton, Esquire, and others, citizens of Quebec, and inhabitants of the Parish of Point Levi.*

S. F. Goudreault, et al. — *Ordered, That the Petition of S. F. Goudreault, Esquire, and others, of the Parish of St. Jean des Chaillons, in the County of Lotbinière, be referred to the Select Committee, to which was referred the Petition of Julien Demers, Esquire, and others, of the Parishes of Ste. Croix and St. Flavien, in the County of Lotbinière, and other references.*

New Jerusalem Church. — *Ordered, That the Petition of the Reverend John Harlin and others, the Minister and members of the "New Jerusalem Church," be referred to the Standing Committee on Private Bills.*

J. Chouinard, et al.

Mayor, &c. of Quebec. — *Ordered, That the Petition of Julien Chouinard, Esquire, and others, of the City of Quebec; and the Petition of the Mayor and Councillors of the City of Quebec, (relating to a Mayor's Court); be referred to the Select Committee to which was referred the Petition of the Mayor and cillors of the City of Quebec, and other references.*

I. Beecher. — *Resolved, That the Petition of Isaac Beecher, of the Town of Brockville, in the District of Johnstown, be referred to a Select Committee, composed of Mr. Sherwood of Brockville, Mr. Macdonald of Kingston, and Mr. Seymour, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

J. Chamberland, et al. — *Resolved, That the Petition of J. B. A. Chamberland, Esquire, and others, of the County of Rimouski, be referred to a Select Committee, composed of Mr. Bertrand, the Honourable Mr. Baldwin, the Honourable Mr. Laterrière, Mr. Taché, and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed; with powers to send for persons, papers, and records.*

MR. HALE ... moved that a petition to alter the representation of the city of Quebec be referred to a select committee.[1]

MR. AYLWIN asked to see the petition[2].

The petition was handed to him[3].

He, MR. AYLWIN, had seen the petition[4]. ((He)) said it was an extraordinary circumstance, that a petition coming from his constituents should be brought before the House by the hon. member for Sherbrooke.[5]

((He)) was sure there had been foul play some where,[6] some underhand work.[7] (Ironical Cheers.)[8]

MR. HALE rose to order. Did the hon. member mean to charge him with foul play?[9] ((He)) called upon the Speaker for protection for himself and the petitioners against the assertions of the member for Quebec.[10]

The Speaker, MR. MORIN, did not consider that the term "foul play" was applied by the hon. gentleman to the member for Sherbrooke.[11] ((He)) conceived, that in using these expressions, Mr. Aylwin did not attribute such motives to the hon. member for Sherbrooke.[12]

MR. AYLWIN repeated his assertions, that it was by foul play.[13]

MR. HALE again rose to order. He wished to protect the petitioners.[14]

MR. AYLWIN said he was their protector.[15] He was the representative of Quebec, (Ironical Cheers) and the person whose duty it was to protect the interests of the inhabitants; and ... he required no assistance from the honble member. ... ((He)) would tell that hon. member what he thought of him.[16] He would be the last man to apply to that hon member for protection, for although he often boasted of being a native of Quebec, he (Mr. A.) looked upon the hon. member as the greatest enemy of that city. (Hear, hear.) He repeated that there was underhand work in this matter, for in looking over the signatures which occupied the most prominent places, he was convinced there was not one man who would not have sent the petition for him for presentation. However the subject would again come before the House, and he would then make those statements. The hon. member for Sherbrooke had misapprehended him. He was glad this petition was about to be referred to a committee; the sooner the better.[17] When he went down to his native city again, he would find out - yes, he would find out by whose instrumentality the petition was sent to the member for Sherbrooke.[18] He would discover the person who had exerted so much influence, and he would merely say, that whoever it was he should suffer for it.[19] (Ironical Cheers.)[20]

MR. SOL. GEN. SHERWOOD expressed his hope that the hon. member for Quebec would not consider the fact of this petition being entrusted to another member of that House to present as a vote of want of confidence. (Cheers and laughter.) He hoped the hon. gentleman would not feel called upon to resign - that would be too great a loss. - (Cheers and laughter.)[21]

(151)

A. Campbell, et al. — *Resolved, That the Petition of Archibald Campbell, Esquire, and others, of the City of Quebec, be referred to a Select Committee, composed of Mr. Hale, Mr. Christie, Mr. Chabot, Mr. Gowan, and the Honourable Mr. Moffatt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Message from Legislative Council. — *A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.*

Real Property Conveyance Bill.

MR. SPEAKER,

The Legislative Council have passed the Bill intituled "An Act to facilitate the conveyance of "Real Property," without any amendment.

And then he withdrew.

Simcoe Registry Office Bill.

The Honourable Mr. Robinson, from the Select Committee to which was referred the Bill to provide for the removal of the Registry Office of the District of Simcoe from its present site to Barrie, the District Town, reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table.

(152)

Ordered, That the said Bill and Report be committed to a Committee of the whole House on Monday next.

Private Bills.

Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Ninth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

British American Mining Association.

Your Committee have considered the Petition of the Honourable Peter M'Gill and others, Trustees of the British American Mining Association, praying for an Act of Incorporation to enable them to explore and work certain copper and other mines on the shores of Lake Superior, which they have obtained a license from the Government to explore, and also such others as may be found in any other parts of the Province.

Your Committee are disposed to recommend that the powers prayed for by the petitioners be granted, so far as relates to the mines situate in the tract of country which they have been already authorized to explore, but they are decidedly of opinion that the operations of the Company should be confined to the tract in question.

Dundas Sixth Line Road.

They have also considered the Petition of William Gamble and others, praying to be incorporated under the style and title of the Dundas Street and Sixth Line Road Company. The petitioners do not appear, so far as your Committee have been able to ascertain, to have published any notice of their intention in any newspaper published in the Home District; but as a notice appeared in the Official Gazette for at least three months prior to the presentation of the petition, they submit the matter for the consideration of your Honourable House, and should the said notice be deemed to have been sufficient, they would recommend that the prayer of the petition be complied with.

Toronto Incorporation Act Amendment Bill.

Ordered, That Mr. Boulton have leave to bring in a Bill to amend the Act of Incorporation of the City of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and

ordered to be read a second time on Wednesday next.

On motion of Mr. Merritt, seconded by Mr. Dickson,

Address, Statement of Imports. Resolved, That an humble Address be presented to His Excellency, the Administrator of the Government; praying that he will be pleased to direct the Inspector General to lay before this House, a Statement of the Imports for the years 1842, 1843, 1844, and 1845; specifying the quantities of each article, the duties thereon per lb. or gallon; and amount for each year, separating the quantity received from Sea and Inland.

Ordered, That the said Address be presented to His Excellency, the Administrator of the Government, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Member added to a Committee. Ordered, That Mr. Laurin be added to the Select Committee, to which was referred the Petition of the Reverend J. Paquin and others, of the County of Two Mountains.

Leave of Absence. Ordered, That Mr. Armstrong have leave to absent himself from this House until the end of the present Session, on account of ill health.

Member added to a Committee. Ordered, That Mr. Berthelot be added to the Select Committee, to which was referred the Petition of the Mayor and Councillors of the City of Quebec, and other references.

District Courts Bill (U. C.) The Order of the Day for receiving the Report of the Committee of the whole House, on the Bill to amend An Act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province, formerly Upper Canada," being read;

Ordered, That the said Bill and Report be recommitted to a Committee of the whole House to-morrow.

Wild Fowl Protection Bill. Mr. Chauveau, from the Committee of the whole House, on the Bill for the better preservation of certain Wild Fowl in the County of L'Islet, reported according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Presbyterian Synod Relief Bill. Mr. Boulton, from the Committee of the whole House, on the Bill to enable the Ministers of the Associate Presbyterian Synod of North America, to keep Registers of Baptisms, Marriages, and Burials

performed by them, and for other purposes, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Montreal Building Society Bill. *Mr. Solicitor General Taschereau, from the Committee of the whole House, on the Bill to extend the provisions of the Act incorporating the Montreal Building Society to the several Cities and Towns in Upper Canada, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be Engrossed.

Supply. *The Order of the Day for the House in Committee on the Supply granted to Her Majesty, being read;*

Ordered, That the said Order of the Day be postponed until Tuesday next.

Trinity House Bill, (Quebec.) *The Order of the Day for the second reading of the Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec, to Pilots and Pilotage in the Port of Quebec, and to the Quebec decayed Pilot Fund, and for other purposes, being read;*

The Honourable Mr. Attorney General Smith moved, seconded by the Honourable Mr. Cayley, that the said Bill be now read a second time.[22]

MR. AT. GEN. SMITH - His intention was to refer the bill to a select Committee, and as he was not aware of any objection to the principle contained in it, he would now move for its second reading in order to have as little delay as possible. He had several amendments himself to propose and he hoped hon. members would reserve the discussion on it till it was taken up in Committee of the whole, when any particular clause could be as fairly dircussed (sic) as at the present moment.[23]

MR. CHABOT opposed the principle of referring Bills of this nature to Committees, the Ministry ought to be strong enough to assume the responsibility of them. There were some of the details of this Bill very objectionable. He was opposed to that clause which compelled Pilots before being allowed to act as such; being compelled to serve for three years in square rigged vessels. Canadian parents would not like to subject their children to the contamination which was to be dreaded from the vice to be found in the forecastles of these ships. He complained of the powers given to the Captain of the Port, and the emolument which he received, as he was also in the receipt of a large duty salary at a distance, while the duties of his office were performed by a deputy. He also objected to the charge of 7s. 6d. which was made through the Pilots upon Captains of vessels for copies of the rules of the Harbour.[24]

MR. CHRISTIE - said he was in favour of the second reading, but saw great room for amendment in the bill. He said he was very much surprised

in discovering the power exercised by the Board of Trade over the operations of the Trinity House; for in discussing some of its measures with a member of the Board on a late occasion, respecting the proposed purchase of a tug steamer in order to obviate some very heavy expenses, he had been informed much to his astonishment, that the Board of Trade would never permit it. In fact the Board of Trade had the power of counteracting all the operations of the Trinity House. But passing that by, he begged to direct the attention of hon. members to another subject; the pensioning off old servants of the Trinity House. His idea was, that no pensions should be granted out of the general revenue, and he was happy to find that the Government was disposed to act in accordance with his views on the subject. If all old servants were to be pensioned off they would have plenty of them shortly. He would also call the notice of hon. members to the ridiculous charge of seven shillings and sixpence for a little slip of paper, entitled, "Rules and Regulations," which every ship master was obliged to purchased (sic) on arriving at Quebec, the only port in the world, he believed, where such a charge was made. Taking the number of entries at the Port of Quebec at twelve hundred annually, this alone would amount to £450, going into the pocket of the Harbour Master, besides his salary, and perhaps other perquisites of which he (Mr. C.) knew nothing.[25] He entirely dissented from the remarks made upon the Port Captain. He cared not how large a sum he got for the valuable services he was rendering to this country, services which would be fully appreciated in case of the duties ensuing with the United States.[26] The hon. member then alluded to the salary of the Duputy Harbour Master, which was generally supposed to be ten dollars a day; but it was not known for a certainty what his salary was. If ten pounds a day, he would not think it too much. He again directed the attention of the Ministry to the necessity of placing a tug steamer at the disposal of the Trinity House[27], to succour vessels in distress[28]. It had been spoken of last year, but by some under tow the project was checked. This he attributed to the Board of Trade. After the counteraction had taken place a steamer had been brought from Halifax with the avowed intention of running from Quebec to the lower ports; and what was his astonishment at finding that it was owned by two gentlemen connected with the Board of Trade, who had opposed the purchase of a steamboat for the Trinity House as too expensive, but who were now to receive nineteen hundred or two thousand pounds for the use of this steamboat for the season. (Hear, hear.) He did not mean to say that this sum was sufficient to purchase a steamboat, but it would go a considerable way towards doing so. (Hear, hear.) He wished to draw the attention of the hon. Attorney General to the fact of our having two Trinity Houses in this Province, whereas in England there is but one, and their interests are certainly not inferior to those of Canada. He thought, therefore, that the most judicious course would be to consolidate them into one; and he would recommend it as an instruction to the committee. In conclusion, he said, he was happy to find the bill was about to be referred to a select committee[29]. There were two naval gentlemen in the House, and he hoped they would be

placed on the Committee.[30] And if the Attorney General would do him the honor to name him as one of the members, although he might give him some little trouble, he would, on the other hand, do all in his power to remedy some of its defects.[31]

DR. TACHE used the same arguments as Mr. Chabot. He proposed that the Bill should be entitled an "Act to legalize the spoilation of a certain part of the Lower Town of Quebec, called the Cul de Sac, and to initiate Canadian youth into European vices."[32]

DR. LATERRIERE. - Le temps qui s'est écoulé depuis la passation des lois qui régissent la maison de la Trinité à Québec, (30 ans et plus) me porte à croire qu'il est nécessaire de refondre en un seul acte tout ce qui a rapport à cette corporation avec des amendemens pour la protection des pilotes, des navigateurs en général et l'amélioration de la navigation; c'est pourquoi je serai pour la seconde lecture du bill de l'honorable procureur-général, mais en même temps je déclare que les dispositions de son bill ne me conviennent point, parce qu'ils confèrent un pouvoir exhorbitant à la maison de la Trinité, une jurisdiction sans bornes, et, de plus, aurait (sic) l'effet d'exclure les Canadiens-français comme pilotes d'une branche d'industrie qui deviendrait le partage d'une origine étrangère.

Je dois néanmoins tenir compte à l'honorable membre de ses dispositions en faveur du canal du nord; mais il n'a pas encore été assez loin - il aurait dû contraindre les anciens pilotes à se qualifier tout aussi bien que les apprentifs pour l'avenir. D'après cet arrangement nous serons encore plusieurs années avant d'avoir des Pilotes qualifiés pour passer des vaisseaux par ce canal. Les naufrages l'automne dernier, les pertes immenses qu'a subi le commerce ne seraient point à déplorer si ces vaisseaux eussent passés par le nord du fleuve. Mes rapports avec les navigateurs de cette côte et les informations qu'ils m'ont données me font suggérer à l'honorable moteur de cette mesure, d'incorporer dans son bill une clause pour obliger la maison de la Trinité à établir un phare flottant en face des battures (sic) de Makongean (sic), où il arrive tous les ans de nombreux accidents; à l'automne dernier pas moins de dix hommes sont morts de faim et de froid, 30 à 40 se sont gelés pieds et mains faute d'un asile et d'un dépôt de provisions en cet endroit. L'honorable membre de la cité de Québec a tellement bien signalé les mauvaises disposition de cette loi, que j'aurai bien peu de choses à ajouter à ses observations.

La seconde clause de ce bill peut s'interpréter comme donnant pouvoir à la Trinité de disposer en grande partie du Cul de Sac, d'y faire des quais, etc, - ce qui fermerait ce débarcadère, ce seul bassin d'entrée aux petits bâtiments chaloupe (sic) qui viennent de toutes parts à Québec, - la sixième clause exige pour la qualification des pilotes, la connaissance de l'arithmétique, des deux langues, les écrire, manoeuvrer des bâtimens, la connaissance des cartes, enfin les élémens d'une navigation scientifique.

La onzième clause, les oblige à donner des cautions. Est-ce que la suspension des pilotes pour malversation, négligé ce de leurs devoirs n'est pas une punition, une garantie suffisante, sans leur faire don-

ner des sûretés qui les exposeraient à bien des dommages, à une ruine totale. - Encore serait la difficulté de trouver des cautions.

La dix-septième clause est l'exclusion pour les apprentis pilotes. Pour qu'un pilote fût autorisé à prendre un apprentif, il faudrait que cet apprentif aurai (sic) prouvé à la maison de la trinité qu'il a servi comme matelot pendant trois ans à bord d'un vaisseau d'outre-mer.

La cinquante-sixième clause, impose à tout les caboteurs de la rivière au dessous des phares, l'obligation de prendre une licence de la maison de la Trinité à raison de huit sous par tonneaux - à ce contraire une amende de 10 s. par chaque contravention - Passe pour les bâtiments d'outre-mer, les phares sont pour eux, mais les petits doivent passer partout où passent les grands sans qu'il leur en coûte.

Ce bill, s'il devient loi sans amendement, exclura donc le plus grand nombre des natifs Canadiens-français d'une branche d'industrie qui deviendra la propriété des étrangers pour lesquels on paraît avoir rédigé cette loi. Les apprentifs pilotes n'ont point les moyens de se qualifier suivant cette loi. Les rédacteurs de cette mesure auraient dû la faire précéder d'un établissement pour faciliter, perfectionner l'éducation de cette classe d'hommes indispensables à la prospérité de la navigation que l'on devrait établir et ouvrir gratuitement à Quebec, où les jeunes gens qui se destineraient à l'étude de cette science pourraient acquérir des connaissances beaucoup plus promptement et bien plus certaines qu'en fesant la manoeuvre à bord des vaisseaux marchands pendant trois ans, n'ayant pour instituteurs que des compagnons grossiers, immoraux et sans aucune instruction.

Pour former des pilotes, des marins intelligents on à l'exemple de ces institutions en Europe, aux Etats-Unis. Il y a en France pas moins de 44 écoles de navigation. Je n'en connais pas le nombre en Angleterre sur terre, mais tous les vaisseaux de guerre sont autant d'école de première classe. Il n'est pas surprenant que cette nation par ses connaissances de la navigation soit devenue la reine des mers!

N'ayant d'autre ambition que celle de voir opérer le bien, n'importe par qui, je fis part l'année dernière à un membre de l'administration de mes idées à ce sujet; mais il faut bien que cette suggestion lui ai (sic) échappée (sic) dans la multiplicité des devoirs que ces messieurs ont à remplir, puisque dans cette session il n'en a pas été question.

Toujours me paraît-il urgent que si l'on veut des garanties sous le rapport de l'instruction, il est de l'essence d'un bon gouvernement d'y pourvoir et, pour cela, je crois que les revenus de la Trinité à Québec sont assez considérables pour faire face aux dépenses que nécessitaient une telle institution. Non seulement on aurait des pilotes instruits, mais d'ici à quelques années un grand nombre de jeunes marins capables d'exploiter les ressources inépuisables de notre fleuve et de notre golfe, où pas moins de 8 cents à 1000 petits vaisseaux Américains tous les ans se chargent de notre poisson.

Nous pourrions lutter d'industrie contre les associations qui se font en Angleterre pour exploiter à notre exclusion cette source de profit. Nos jeunes marins pourraient en reprendre et faire des voyages de long cours et mettre à effet les paroles non suspectes des membres de l'association du commerce libre, adressées au peuple du Canada.

Leur manifeste convient de la déclaration suivante: "Liberté de commerce qui ferait la prospérité du Canada, puisque la mère-patrie nous ôte en ce moment la faveur dont jusqu'à present nous avons joui dans ses marchés."

Nos jeunes gens qui ne savent quel état prendre en sortant des collèges, à moins donc d'étudier la loi, la médecine ou le notariat (professions qui sont devenues de vrais pénitentiaires) auraient le choix de cette vie aventureuse de marin et deviendraient des sujets précieux à l'état.

Ceci n'est qu'un aperçu bien faible de tout le bien qui découlerait d'une bonne école de navigation, la prospérité immense de l'Angleterre fondé sur l'importance de la navigation, la preuve la plus concluante en faveur d'une telle institution chez nous.

Il y a en Canada des élémens pour former une bonne marine comme partout ailleurs. Qu'était la marine Russe avant Pierre-le-grand? rien. Ce grand homme n'a pas cru au-dessous de sa dignité de venir en Angleterre apprendre le métier de charpentier. De retour dans ses états, il y a formé une marine, a ouvert des écoles de navigation dans tous ses ports maritimes en y attirant par des faveurs les meilleurs professeurs de l'Europe. L'Histoire de la Russie depuis cet époque fait connaître quelle en a été la conséquence.

Je le répète, si l'on veut passer des lois telles que celle qui est maintenant sous votre considération, donnons au préalable à ce pays des institutions où nos jeunes compatriotes pourront s'instruire et devenir égaux aux étrangers qui visent à toutes les charges et à tous les profits.

Une école de navigation d'équipement d'un vaisseau qui ferait un service Provincial et le professeur ne coûteraient qu'une bagatelle en comparaison des dépenses extravagantes que l'on fait tous les jours pour des objets moins utiles.

Ce service ne serait pas nouveau: nous avons déjà eu une goelette canonnière, d'abord sous le commandement du Capt. Ruel, canadien, et ensuite sous celui de ci-devant maître de port à Québec John Dambly. C'est dommage qu'alors on aît point pensé à en faire une école de navigation?

La goelette de la Trinité à Québec pour le service des phares et des dépôts de provisions tout en fesant ce service pourrait être employée à l'usage pratique de cette science en les mettant sous les ordres de professeur conjointement avec le capitaine qui la commanderait, afin d'instruire les apprentifs pilotes et autres élèves ou navigateurs de toutes les classes dans l'art de la navigation; ces élèves feraient la manoeuvre gratuitement en étant nourris aux frais de l'état.

Je suggère ce plan à messieurs les ministres qui voudront bien le faire mettre à exécution conformément à ce qui se passe ailleurs, si toutefois cela rencontre l'approbation de cette chambre.[33]

MR. BERTHELOT said, that the three years voyage clause was as ridiculous as to require of a postilion before he was allowed to drive, that he should have travelled through Europe, Asia and Africa. - On approaching the shores of England he saw the good English seamen ap-

proaching the noble vessels in their cutters, their jolly faces beaming with delight, to take the ship into the haven of safety. It was not necessary for them to serve three years in square-rigged vessels, why then should it be necessary here?[34]

MR. SOL. GEN. TASCHEREAU was in favour of the principle of the Bill, but he did not agree in the three years navigation clause; he would vote for an amendment.[35]

MR. AT. GEN. SMITH, said that the observation he had heard, only tended to confirn (sic) the view he already held, and that the objections of the members opposite, did not strike at any essential principles of the Bill, but merely at some of its details;[36] and it was to perfect this that he wished to send it to a Committee that they might receive evidence upon certain points.[37] The first point to which objections has (sic) been taken is the allowing the Trinity House to take possesaion (sic) of the Cul de Sac, which belongs to the city of Quebec; with regard to that objection, he would merely state that there was a similar provision in the existing law, although not in precisely the same words,[38] ((and)) not so fully as ... this.[39] And this he thought was a matter to be discussed before the Committee; another point of the Bill objected to, is that part which had reference to the qualification of Pilot's (sic): now one of the objects which he had in referring the Bill to a select Committee, is that evidence may be heard on this subject; he himself had not made up his mind upon the qualification necessary: but he would remind the members opposite, that they will find by referring to the existing Law, that no person can be received as a pilot , unless he had been to sea for three years: the hon. gentleman then went on to state that the pilot who had to conduct such an important trade through such a dangerous navigation as that of the River St. Lawrence, should be well qualified, and that there had been an immense loss of life, and property[40], in the Gulf[41], during the last three years, hundreds of thousands of pounds worth of property, and hundreds of lives had been lost, because the Coast was not well known. He did not blame the pilots for being the cause of this loss, but still it showed the necessity of exacting if possible a higher qualification from pilot's (sic).[42] He considered that a knowledge of the North Shore Channel was absolutely necessary as it was the safest. As to the establishment of Schools of instruction to be paid for by the country, he could not agree to the necessity of such a measure; the Deal Boatmen the best of the Pilots and the boldest of navigators, men who were ever ready to launch their boats in the wildest storm to succour the distressed ship, or save the crew in peril - educated themselves; and so did the Pilots on the coasts of France. They found the remuneration of their calling sufficient inducement for them to follow it.[43] There were other points of the Bill which had been spoken against, but he thought it would be best to wait until the Bill was before the Committee to discuss them. He would also say, he had several amendments to propose to the Bill which he would lay before the Committee.[44]

MR. MOFFATT, could not have persuaded himself that any party would

have spoken against the Bill[45]. Nothing could show the necessity for proper qualification of Pilots more than the immense losses which had taken place last year, - losses which were to be attributed in a measure to the navigation of the St. Lawrence not being sufficiently understood.[46] ((He)) stated that the rate of insurance has in consequence been doubled this spring upon vessels sailing to Canada; for they are now paying as high as 5 per cent[47]. Letters had been just received from England announcing that the rate((s)) ... had advanced from 30s. to 40 s. the usual rates, to 80s. and 100s.[48]

MR. ERMATINGER, said that pilots were a class of men upon whom devolved very important duties, and that nothing should be omitted that was necessary to qualify them for their profession, and that as the Bill was to be referred to a select Committee of members qualified to decide upon it he would support the second reading of it and its principles leaving its details alone until it comes before the House again.[49]

M. CAUCHON ((dit quelques mots.))[50]

MR. CHAUVEAU spoke in favor of Government Naval Schools. He denied that the losses last year in the Gulf were occasioned by the ignorance of the Pilot, but he contended that they were owing to the cupidity of the Merchants of Montreal and Quebec in detaining ships so late.[51]

MR. MOFFATT, in answer to ... Mr. Chauveau, said that he did not state that the shipwrecks last fall were to be attributed to the Pilots, although he thought he would be justified in asserting that a large portion of them were to be attributed to their ignorance.[52]

M. LAFONTAINE, dit qu'il n'avait aucune objection au principe de ce bill, si l'on entendait par principe la nécessité de législater sur la navigation. Mais comment pouvait-on qualifier un projet de lui, si sur 60 de ses clause 59 sont mauvaises? Il savait que ce n'était pas un bill ministériel, l'honorable procureur général qui le présentait à la chambre n'en était pas l'auteur, c'était probablement l'oeuvre de quelque individu ou d'une corporation qui avait sollicité l'administration trop de ces petites corporations qui conduisent pour ainsi dire, le pays à leurs caprices; imperium imperio: ces administrations cachées ont fait peu-être autant de tort au pays que les administrations publiques. Le bill qu'on nous présente est l'oeuvre de quelque membre du bureau du commerce, et l'hon. procureur général ne l'avait même lu avant qu'il fût imprimé, puisqu'il nous a dit lui-même qu'il aurait des amendemens à y faire; cette mesure, comme la plupart de celles que l'Administration présente pour le Bas-Canada, n'a pas été préparée par les ministres; c'est un enfant adoptif, il faut rendre cette justice aux membres de l'administration.[53] The principle of a bill can only be discovered from its general tenor. He (Mr. L) admitted that navigation must be regulated by some rules; but we have at the present laws on this subject[54].

Quand on veut législater sur un sujet, il faut considérer les lois existantes, et celles qu'on veut leur substituer, si celles-ci ne valent pas les premières, alors que veut-on faire en présentant un

bill? Est-ce simplement pour avoir le plaisir de voir un projet de loi imprimé, et pour employer le tems de la chambre à le discuter?[55] It has been urged as an argument for the stringent regulations in this bill, that there have lately been numerous shipwrecks in the St. Lawrence, and in the Gulf; it is true there have been shipwrecks, and there always will be shipwrecks. This is not owing to the ignorance of the pilots, but to the rigour of our climate; the dangerous navigation of the St. Lawrence, and[56] the cupidity of the English Merchants who sent their ships out too early, and allowed them to remain too late. And for this the Canadian was to be persecuted, the occupation which he had so long enjoyed was to be taken from him and given to foreigners, and his very language was to be proscribed.[57] Comme si ces naufrages étaient dûs à l'ignorance des pilotes, on met une clause dans le bill qui empêche d'être pilotes tous ceux qui ne sauront pas parler et écrire la langue anglaise.[58] It is stated in the papers that a vessel is expected every day at Quebec; it is well for the ship owners that this is an early season, but had it been an ordinary season, and this vessel had been lost or shipwrecked in coming up the river, would it have been the fault of the pilot?[59] Y a-t-il des naufrages entre l'automne et le printemps? Quelquefois ils sont causés par la fureur des élémens, par les vents et les tempêtes, alors les pilotes les plus expérimentés n'y peuvent rien.

Il (M. LaF.) avait été six jours arrêté sur les côtes de Liverpool par un tempête extraordinaire[60]. Such a fierce tempest raged around them, that they never expected to reach the harbor; during this storm, none of those brave and daring European pilots, whose exploits the Attorney General lauded, and who were so much superior to the Canadian Pilots, could approach the ship to lend them any assistance.[61] Les pilotes du vaisseau qui passaient avec raison pour les plus habiles du monde entier, les avaient avertis qu'ils devaient aller au fond de la mer, il avait fait ses adieux à son pays. Après six jours, le calme avait succédé à la tempête. Deux ans après deux[62] vaisseaux périrent au même endroit[63] during a dreadful storm; did this misfortune occur in consequence of the ignorance of the pilots? The European pilots were next obliged to give security.[64] Cependant les pilotes parlaient et écrivaient parfaitement bien l'anglais. Pourquoi donc spécifier dans une clause d'un bill que ceux qui ne sauront que le français, quelque soit leur intelligence, et leur habileté, ne pourront être reçus pilotes? Le Canadien qui a sauvé Guy Carleton, et par une conséquence nécessaire, la province entière,[65] when the British Merchants had prepared articles of capitulation[66], savait-il un mot de la langue anglaise, et le pilote qui commandait la flotte de Phipps n'a-t-il pas péri avec tout son monde, malgré qu'il possédât parfaitement bien la langue anglaise. Qumnd (sic) il s'agit de défendre la province, prétexte-t-on que les canadiens ne savent pas l'Anglais pour les empêcher d'aller au combat?[67] During the last War, when the Canadian Militia so gallantly fought and bled for the flag of England, and the defence of the country,[68] against the Americans,[69] no enquiry was made of them whether they could speak English or not.[70] Ceux qui sont (sic) péris à Lacolle, à Chateauguay, après avoir repoussé l'ennemi, l'au-

raient-ils mieux fait s'ils eussent connu l'Anglais? Il n'y a rien d'aussi absurde que de mettre une disposition de cette nature dans un projet de loi. Nos pilotes canadiens savent tous la langue anglaise, parcequ'ils servent sous des maîtres anglais, mais qu'on ne les y oblige pas par une loi, ce serait une injustice, une moquerie.

Une autre injustice de ce projet de loi, c'est qu'on exige un cautionnement des pilotes.[71] If this clause is carried, there will be no pilots, and then they will be forced to repeal it, because no one will become security for an individual, who could bring forward no witnesses, but those who were prejudiced against him. The originators of this bill are anxious for too much legislation.[72] Il espérait donc que l'administration ne tiendrait à cette clause non plus qu'aux autres dont elle reconnaissait les défectuosités. Il semblait qu'un mauvais genie présidait aux destinées de ce pays[73]. He (Mr. L) would advise all parties who wished to anglicise the French Canadians to leave us alone, and then we will sooner speak the English language. If there are not proscriptive laws passed, a change will gradually take place among the French Canadians, like that which passed among the English after the time of William the Conqueror....[74] A war may arise about the Oregon territory. He (Mr. Lafontaine) did not wish to see a war break out between these two great countries, for we have every thing to lose and nothing to gain in such a contest. But in such a case, supposing a British fleet were coming up the Gulf, to the succour of the people of this Province, would the commanders of the different Men-of-War enquire of the pilots whether they could speak English or not? Would they not be very glad to get the assistance of any competent pilot to steer them into the port of Quebec[75], no matter what language they spoke?[76] Ceux de qui la patrie devait le plus attendre l'avaient abandonnée, mais tant qu'il serait dans la vie publique ((il)) ferait ses efforts pour défendre ses compétriotes (sic) contre l'oppression, pour les tenir unis, et leur faire rendre justice.[77]

MR. AT. GEN. SMITH said the member for Terrebonne had produced no arguments against this Bill, he had contented himself with declamation, with appealing to the passions and prejudices of the House. He had talked of the proscription of the people of Lower Canada to rouse bad passions, and had not attempted to meet this measure on its merits. Yes! there is an evil genius in this Province, and the member for Terrebonne knows well who that evil genius is!! The Bill before the House did not emanate from the Administration, it could not be expected that they could be familiar with such subjects. It had been introduced last session, but in order to reconcile conflicting interests and to preserve vested rights, it was sent down to Quebec, and as it came thence it had been printed. - There was a clause in the existing law which made it necessary that Pilots should speak English - that was no new prinicple.[78]

MR. LAFONTAINE. - Don't make it law.[79]

DR. TACHE. - They speak it now, but don't make it compulsory.[80]

MR. AT. GEN. SMITH. - Then it was not because of the principle that this clause was opposed, why then was it called proscription?[81] It had been stated that we wish to proscribe the French tongue, in answer he would only state that such a clause existed in the present law[82]. This measure affected no existing rights, it had no operation on present Pilots or their apprentices, but its operation was altogether future, and it was for the future that it was the duty of that House to legislate.[83] ((He)) said that the arguments which fell from the hon. members opposite would only go to awaken the prejudices of some of the members, and that they had not any fact that could induce him to suspend the bill for a moment.[84] This was no ministerial measure, and gentlemen on this side of the House might vote as they pleased on it without fear that it would injure the Government.[85] The members opposite had objected to one or two clauses only, but they had no objection against the principles of the bill, and as none of their objections will be affected by the second reading of the bill ... he did not see why it should not be now read[86]. If it was not read a second time it would not injure the Ministry, but the injury would be upon the shipping interests, the Commerce and the Merchants of Quebec. He washed his hands of all responsibility in the matter, on the opponents of this Bill be the onus, and on them only. The members for the City and County of Quebec might answer to the Merchants of Quebec for the neglect of their interests and the destruction of their commerce. If hon. gentlemen considered the detail of this Bill the principle, and that so objectionable, why had they not moved that it be not read a second time?[87]

MR. CHABOT. - It will be moved.[88]

MR. AT. GEN. SMITH. - It will be moved! then I contend that the course pursued had been most unfair and calculated to deceive and mislead gentlemen on this side of the House. This motion should have been made long ago and not at the close of the debate.[89]

MR. MACDONALD - it is said that these pilots will be proscribed because they will be required to speak the English language. He did not consider that they would, and he thought it was only reasonable that they should speak English when the sailors and captains of the vessels were English; but did those who are talking about their language being proscribed never wish to proscribe that of others; he would call to their remembrance the opposition that was made to the election of Sir Allan McNab as Speaker, on the ground that he could not speak French. He (Mr. McD.) thought it ill became them to speak about proscription with this in their face.[90]

MR. CHALMERS had always considered the member for Terrebonne one of the most talented men in the country, but after the display that evening he began to lose all conceit in him. He had spoken of the coupidity (sic) of British merchants in sending their ships out so early - enterprise was the proper termh (sic).[91] He would remind him that the intrepid British merchant was not to be judged of by the slow and unenterprising colonist. The hon. member for Terrebonne also said that he

did not wish for war, as[92] in case of war wite (sic) the United States, Canada had everything to lost (sic) and nothing to gain; he (Mr. C.) would tell that hon. gentleman that Canada had nothing to lose but her honour, and that she would lose if she did no((t)) defend her just rights and those of the mother country; and the loss of life was nothing to the loss of honour. Let the bugle sound war, and the bagpipes strike up[93], (hear, hear and laughter) yes, let the bagpipes play, "the broad swords of old Scotland,"[94] and the people of Canada, French, Scotch, Irish, and English would unite as one man and instead of speaking about the Oregon would advance to see and explore the Hudson.[95] (Hear, hear.)[96] (Loud cheers.)[97]

(152)

Mr. Chabot moved, in amendment, seconded by Mr. Taché, that the word "now" in the said motion be struck out, and the words "this day six months," be substituted.

MR. CHABOT in ... ((making the motion)) - said that the losses which had taken place last fall arose entirely from the cupidity of Merchants; as to what had been said of protecting commercial interests, Merchants would not import goods if they did not expect to be well paid for them, nor would they insure unless they thought they could make a good profit of the underwriters.[98]

MR. BOULTON hoped that the amendment would not be carried, he was in favor of having the bill read a second time, and afterwards referred to a select committee, where any of details may be modified or amended. In voting for the second reading, he wished it to be distinctly understood that he intended not by so doing to proscribe the French Canadians. No! but he wished to protect the English ship owner.[99] ((He)) said he should support the Bill as he looked upon it as a measure affecting Upper as well as Lower Canada.[100] He was in favor of having that bill extended below Port Neuf, but also up to the Province line between Upper and Lower Canada, and if a second bill was passed that it should be for Upper Canada, creating a Trinity Board at Kingston, Hamilton, or Toronto, or some other port on the Lakes.[101] He was, however, averse to the establishment of a Trinity House at Quebec and another at Montreal. He thought the Quebec Board should have jurisdiction in Lower Canada, and another should be established having like power in Upper Canada.[102]

MR. G. MACDONELL, of Dundas, wished to set himself right before this House; this might appear strange for one who had not yet spoken, but the reason that he wished to explain is this - the Attorney General East told us that this was not a Government measure, and that members are therefore at liberty to vote as they saw fit; he believed that the members on this side vote as they see fit on all occasions, and not at the dictate of the Attorney General; he held it his right as an independent member to do so.[103]

MR. AT. GEN. SMITH - What he said was this, that the present measure was not a Government measure, and the members on this side could vote

as they deemed right, as they always do.[104]

MR. G. MACDONELL continuued (sic), there was no mistaking what the Attorney General said. He agreed in much that had ... been said by the hon. member for Terrebonne. He agreed that it was to the climate and the elements, and not to the ignorance and carelessness of the Pilots, that the numerous shipwrecks were owing. He said, that as he saw the measure was obnoxious to the majority of the Lower Canadian members, and that one after another was rising and entering his solemn protest against the bill, he would[105] vote against it too, without respect to its merits, of which he knew nothing[106], as he did not wish to force the measure upon them.[107]

MR. MOFFATT was opposed to the scheme enunciated by the member for Toronto.[108] The hon. member who has last spoken seems to think that the present measure was particularly and solely belonging to Lower Canadians. He would ask whether the navigation of the Saint Lawrence was peculiar to Lower Canada? Is it not the property of both sides of the House - both Upper and Lower Canadians?[109] He reminded ... ((him)) that the trade of Upper Canada was more involved in the safe navigation of the St. Lawrence than even that of Lower Canada, he therefore hoped he would reconsider what he had said. He deprecated the allusions made by Mr. Chabot to the motives of Merchants, such remarks were calculated to convey an impression aboard to be detrimental to this country.[110] The remarks of the member for Terrebonne have a tendency to put a check to the enterprise of the British merchant. He (Mr. L.) has attributed the shipwrecks and loss of life to the cupidity of the English shipowners. Now, he would ask if it ought to be termed cupidity for a merchant to freight his vessel in time to reach here at the opening of the navigation. He conceived that it ought rather to be termed enterprise. It was true the shipowners would not sail so soon if they were not sure of their insurance, and also to be well repaid.[111]

MR. DUGGAN said that he was the last member that would do injustice to his fellow countrymen of Lower Canada, he would as he had always done stand forward in their defence. He had not read the bill as it was a subject on which he was not acquainted, he was however sufficiently well aware of some of its objects; he conceived that it affected Upper Canada no more than Lower Canada and vice versa, if the insurance was high did that not affect the price of merchandise in Upper Canada as well as in Lower Canada. The members opposite have objected to the bill, but they had not given any reasons, if they had pointed out what would have been better, he would have been better able to have decided; they have given no reason that legislation is not necessary, nor have they shown where it is imperfect.[112]

MR. G. MACDONELL of Dundas, did not ... say that it was a measure particularly affecting Lower Canada. It was as he said before to the climate and elements and not to the Pilots that the high rate of insurance was owing.[113]

DR. NELSON - was not aware that shipwrecks are of more frequent occurence now than they were forty or fifty years ago,[114] when the num-

ber of vessels navigating the St. Lawrence was far less, and so far as he was able to discover there was no information before the House to shew that the pilots are less active or less intelligent than they were formerly. On the contrary, having increased in the same ratio as in other occupations, greater exertions had been made to acquire greater skill and intelligence; and he felt convinced that a more virtuous or more hardy set of people does not exist. With respect to pilots, he would remind the House of a circumstance with which the hon. member for Three Rivers, who so well knew the history of his country, ought to be acquainted. It was a Canadian pilot who took Sir Guy Carleton down to Quebec,[115] en 1775, pendant la guerre américaine,[116] and by that means saved the Province. And at what time did he arrive there? At the very moment that the inhabitants, the British merchants had prepared articles to capitulate with the enemy at their gates, and if the Province now belongs to Britain, it is because it was saved by a French Canadian. He would on this occasion as he could on many others, favourably contrast the conduct of Canadians with that of British merchants. The hon. Secretary smiled, if it were in derision, he would answer it with scorn, he would cast it to the winds.[117]

MR. PROV. SEC. DALY would lose no time in setting the mind of the hon. gentleman at rest. He was neither listening to what he said, nor thinking of it.[118]

DR. NELSON - And perhaps the hon. Secretary did not even hear him, as was his general custom. Yet, in spite of the service of this man, his descendants, as well as those of many other meritorious Canadians, were living in poverty, although capable of filling the highest stations in the Province. He would not mention names, as that would no doubt be useless.[119]

(152)

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Berthelot, Bertrand, Bouthillier, Cauchon, Chabot, Chauveau, Desaulniers, DeWitt, Guillet, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Macdonell of DUNDAS, Méthot, Nelson, Price, and Taché,--(20.)

NAYS.

Boulton, Chalmers, Christie, Colville, Cummings, Daly, Dickson, Duggan, Ermatinger, Foster, Jessup, Laterrière, Leboutillier, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt,

(153)

Monro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Seymour, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, and Woods.--(35.)

So it passed in the negative.

The Question being then put on the main motion, the House again divided, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Chalmers, Christie, Colville, Cummings, Daly, Dickson, Duggan, Ermatinger, Foster, Jessup, Laterrière, LeBoutillier, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Roblin, Seymour, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Viger, Webster, and Woods.--(35.)

NAYS.

Berthelot, Bertrand, Bouthillier, Cauchon, Chabot, Chauveau, Desaulniers, DeWitt, Guillet, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Macdonell of DUNDAS, Méthot, Nelson, Price, and Taché.--(20.)

So it was carried in the affirmative, and the said Bill was accordingly read a second time.

Some conversation arose as to the formation of the committee[120].

(153)

The Honourable Mr. Attorney General Smith moved, seconded by the Honourable Mr. Cayley, that the said Bill be referred to a Select Committee, composed of the Honourable Mr. Attorney General Smith, the Honourable Mr. Moffatt, Mr. Petrie, the Honourable Mr. Aylwin, and Mr. Chabot, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

MR. CHRISTIE was opposed ((to this)), as Mr. Chabot had voted against the second reading.[121]

(153)

Mr. Christie moved, in amendment, seconded by Mr. LeBoutillier, that Mr. Williams and the Honourable Mr. Laterrière be added to the said Committee.

The Question having been put on the motion of amendment, a division ensued, and it was carried in the affirmative.

The Question being then put upon the main motion, as amended, it was agreed to unanimously, and

Resolved, Accordingly.

DR. LATERRIERE fit motion secondé par M. CHABOT.

Qu'il soit une instruction au comité de s'enquérir s'il ne serait point expédient d'établir une école de navigation à Québec, où l'on enseignerait gratuitement dans les deux langues française en (sic) anglaise, aux apprentifs Pilotes et aux navigateurs de toutes les classes qui se présenteraient, les mathématiques et l'usage des instruments nautiques; avec leurs cartes et tous les moyens nécessaires pour l'intelligence la démonstration et la pratique de cette science.

Aussi si le vaisseau dont fait usage la maison de la trinité à Qué-

bec pour le service des phares et dépôts de provisions sur différents points du fleuve St. Laurent, ne pourrait pas, tout en fesant le service, être mis à la disposition du professeur de cette école pour l'usage pratique et démonstratif de cette science, conjointement avec le capitaine qui commanderait le dit vaisseau, afin d'instruire les apprentifs pilotes et autres élèves et navigateurs de toutes les classes dans l'art de la navigation.

Si les élèves fesant la manoeuvre de ce vaisseau gratuitement, ne devraient point être nourris et entretenus par la province ou la trinité pendant ce service? du coût approximatif de cette institution, et pour le salaire du professeur, chambre de démonstration, livres cartes, instrumens et vaisseau provincial, et faire rapport.[122]

(153)

Board of Works. *The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Administrator of the Government,*

Various Plans, Maps, Surveys, and Estimates, connected with the Report of the Board of Works.

(The above Documents are preserved with the Files of the present Session.)

Also,

Jos. Simpson. *Return to an Address of the Legislative Assembly to His Excellency, the Administrator of the Government, dated the 14th instant, praying that His Excellency will be pleased to cause to be laid before the House, "copies of any Correspondence which may have taken place between the Executive Government and Joseph Simpson, complaining that the Trinity House of Quebec have unjustly refused to give him a certificate of qualification as a Pilot, and also copies of any Correspondence between the Government and the said Trinity House on the same subject."*

> *To His Excellency the Right Honourable CHARLES THEOPHILUS, Baron METCALFE, of FERNHILL, in the County of BERKS, Knight Grand Cross of the Most Honourable Order of the BATH, one of Her Majesty's Most Honourable Privy Council, Governor General of British NORTH AMERICA, and Captain General and Governor in Chief in and for the Provinces of CANADA, NOVA SCOTIA, NEW BRUNSWICK, and PRINCE EDWARD'S ISLAND, and Vice Admiral of the same, &c.*

The undersigned Petitioner humbly represents;

That he has been a Pilot's apprentice since the Eighteenth of April, one thousand eight hundred and thirty-five, and has, in consequence, served in good faith as such, during ten years, as will easily appear on reference to the different certificates now before the Quebec Trinity House.

That on the Twenty-eighth of December, one thousand eight hundred and thirty-eight, the said Quebec Trinity House Board passed a Bye-law,

which was sanctioned on the 31st of the same month by the then Governor; that the said Bye-law, which was intended to be put in force on the Sixteenth of June, 1841, obliged Pilots' apprentices for the future to be acquainted with the English language and with Arithmetic.

That before the above-mentioned Bye-law came into force, that is, on the Eighteenth of May, 1841, your Petitioner presented himself before the said Trinity Board, and was found competent as regards his instruction, but was referred to a later period for his "bearings;" that on the 2nd and 5th of September, of this year 1845, he again presented himself before the said Board, to be examined on the "bearings," and on the "working of a ship," but the said Board would not hear him, pretending that the Bye-law of 1841 required that Pilots' apprentices should be acquainted with the English language and with Arithmetic.

That he thought himself entitled to present himself to the said Board for examination on the "bearings," after the said Bye-law had come into force, especially as one Jean Dion, then a Pilot's apprentice, who, before the coming into force of the said Bye-law, that is, on the 4th of May, 1841, had been found competent as regards "instruction only," and referred to a later period for the "bearings," was admitted as a Pilot on the 15th of July of this year, 1845, without having been examined on the English language and on Arithmetic; and that both their cases are exactly similar.

That even supposing that your Petitioner had not been examined and found competent as regards instruction, by the Trinity Board, before the coming into force of the above-mentioned Bye-law, that Bye-law could not affect him, as he had entered into an apprenticeship, as a Pilot's apprentice, several years before the passing of the Bye-law in question, and that no Bye-law ought to have a retroactive effect.

That your Petitioner is poor and obliged to support an aged mother, who has no other support than himself, and that at his age, after ten years of a hard apprenticeship, it would almost be impossible for him to find any other means of existence.

Wherefore your Petitioner trusts that Your Excellency will be pleased to take his humble petition into your most serious consideration, and cause that justice to be done him of which he is so much in need.

And he will ever pray.

(Signed,) JOSEPH SIMPSON.

Quebec, 10th October, 1845.

We, Pilots for that part of the St. Lawrence lying between Quebec and Matane, do certify, that Joseph Simpson has served in good faith as a Pilot's apprentice, during ten consecutive years; that he is honest and of good moral character; that he is the only support of an aged mother; and that, at his age, it would be almost impossible for him to choose another state of life.

Signed by Joseph Adam and one hundred and fifteen Pilots.

(154)

TRINITY HOUSE,
Quebec, 4th April, 1846.

SIR,

Herewith enclosed we have the honour to transmit to you, for the information of His Excellency, the Administrator of the Government, a copy of this Board's proceedings on the Petition of Joseph Simpson, which was referred for their report.

The Petition is also herewith returned.

We have, &c.

(Signed) LINDSAY & LEMOINE,
R. T. H., Q.

The Honourable D. DALY,
Provincial Secretary, &c.
Montreal.

TRINITY HOUSE,
3d April, 1846.

PRESENT:

The Honourable JOHN STEWART, Master.
HENRY LEMESURIER, Esquire, Deputy Master.
ROBT. YOUNG, Esquire, S. P. and Warden.
EDWARD BOXER, Esquire, H. M. and Warden.

Read a Petition from Joseph Simpson, heretofore apprentice to Charles Joseph Adam, Pilot, to His Excellency, the Administrator of the Government, complaining of this Corporation having refused in the month of September last to examine him as to his fitness as a Pilot owing to his being unable to read and write English, and being ignorant of Arithmetic as required by the Bye-Law of the 28th and 31st December, 1838, although the Board had admitted Joseph Dion as a Pilot under similar circumstances, the said Petition referred to this Board for their report thereon.

And reference being had to the Minutes of the Board, the cases of the said Joseph Simpson and Jean Dion appear as follows, viz.:--

JOSEPH SIMPSON'S CASE.

1840.
April 18th--His apprenticeship expires July, 1840.
July 7th--His time is sworn to.
1841.
May 18th--He is found competent in reading and writing, in conformity with the Bye-Law of the 13th May and 16th June, 1836.
June 11th--He is examined and remanded.
June 15th--He is examined and remanded.
Being in both cases found deficient as to his fitness to be a Pilot.
June 16th--From this date the Bye-Law of the 28th and 31st December, 1838, (obliging apprentices to read or write English and to have a knowledge of Arithmetic,) comes into force.
And Joseph Simpson does not make his appearance again until a lapse of four years and three months.
1845.
Sept'r. 2nd--He petitions to be examined as to his fitness as a Pilot,

without undergoing an examination in respect to his knowledge of the English language and arithmetic.

To which the Board refuse their assent.

Sept'r. 5th--Mr. Cauchon, Advocate, is heard in support of Simpson's Petition, but the Board see no reason for deviating from their former decision.

JEAN DION'S CASE.

1841.

May 4th--He is found competent in reading and writing under the Bye-Law of the 13th May and 16th June, 1836.

May 7th--He is examined as to his fitness as a Pilot, and found deficient.

June 4th--He is examined as to his fitness as a Pilot, and found deficient.

1844.

June 4th--He is examined as to his fitness as a Pilot, and found deficient.

1845.

April 12th--He is found deficient in the working of a ship.

July 15th--He produces certificates of Masters of Vessels of his having worked vessels during the season.

July 29th--He is again examined, and being found competent to act as a Pilot, he obtained his certificate.

The Minutes here state that Dion was on the 15th instant approved by the Board for his knowledge of the English language and Arithmetic; but on reference to the Minutes of that date, it is found that the case is not therein so stated, which statements being considered, it was

Resolved, That should the Board thus appear to have been misled in the case of Jean Dion, it does not follow that Joseph Simpson should be recommended for a Branch, he being unable to read or write English, and having no knowledge of Arithmetic, as required by the Bye-Law.

Ordered, That a copy of the above minute be transmitted to Mr. Secretary Daly, for the information of His Excellency, the Administrator of the Government.

Attest,

(Signed) LINDSAY & LEMOINE,
R. T. H. Q.

Resolved, That the said Return be referred to a Select Committee, composed of Mr. Cauchon, the Honourable Mr. Laterrière, Mr. Berthelot, Mr. DeWitt, and Mr. Bertrand, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Trinity House Bill, (Montreal.)

The Order of the Day for the second reading of the Bill to repeal certain Acts and an Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof, being read;

The said Bill was accordingly read, and referred to a Select Commit-

tee, composed of the Honourable Mr. Attorney General Smith, the Honourable Mr. Moffatt, Mr. Petrie, the Honourable Mr. Aylwin, Mr. Leslie, the Honourable Mr. Laterrière and Mr. Williams, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Macara's Relief Bill. — *The Order of the Day for the second reading of the Bill for the relief of John Macara, of the City of Toronto, Esquire, being read;*

The said Bill was accordingly read; and ordered to be Engrossed.

Cobourg Railroad Bill. — *The Order of the Day for the second reading of the Bill to revive and amend the Act of Upper Canada, incorporating "the Cobourg Railroad Company," and for other purposes therein mentioned, being read;*

The said Bill was accordingly read,[123]

MR. MEYERS introduced ... ((the)) bill .... He said that the bill was to revive and amend and (sic) act of Upper Canada, incorporating the Cobourg rail road, since the incorporation nothing had been done, and it had been thought advisable by the persous (sic) interested, to substitute a plank road and ferry; it was to be called the Cobourg and Rice Lake Plank Road and Ferry Company.[124]

(154)

and committed to a Committee of the whole House on Monday next.

Medicine and Surgery Bill. — *The Order of the Day for the second reading of the Bill to regulate the Study and Practice of Medicine, Surgery, and Midwifery in this Province, being read;*

The said Bill was accordingly read,[125]

MR. AT. GEN. SMITH introduced ... ((the)) bill.... He said that it was his intention to refer the bill to committee of the whole on Tuesday next, and as he believed the principle would be admitted, any discussion might be reserved till the details came up in committee. The bill was to regulate the various courses of study, on the admission of persons to practise from schools out of the Province. The bill also appointed a board of examiners.[126]

DR. BOUTHILLIER avait de l'objection à plusieurs clauses, entre autres celles qui obligaient les étudiants de faire en trois ans, les deux cours exigés par la loi. Il croyait que l'étudiant le pouvait faire en deux ans. Il désirait que le bill fût référé à un comité spécial.[127]

DR. NELSON parla dans le même sens[128]. ((He)) would suggest that the bill be referred to a select committee, and the debate would then not be protracted in committee of the whole.[129]

DR. LATERRIERE s'étendit sur les détails du bill, il avait de l'objection à plusieurs clauses du bill et désirait leur en substituer d'autres.[130]

MR. AT. GEN. SMITH said, that he would ((agree to have the bill re-

ferred to a Select Committee.))[131]

(154)

and referred to a Select Committee, composed of the Honourable Mr. Attorney General Smith, Mr. Taché, Mr. Bouthillier, Mr. Jessup, and Mr.

(155)

Foster, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Barton Concession Line Bill. — *The Order of the Day for the second reading of the Bill to convey a part of the Concession Line between the third and fourth Concessions of the Township of Barton, in the Gore District, to Robert Jarvis Hamilton, being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Dempsey's Relief Bill. — *The Order of the Day for the House in Committee on the Bill to authorize the Courts of Queen's Bench and Chancery, in Upper Canada, in their discretion, to admit John W. Dempsey to practise as an Attorney and Solicitor therein, being read;*

Ordered, That the said Order of the Day be postponed until Monday next.

Leslie's Relief Bill. — *The Order of the Day for the second reading of the Bill to indemnify Anthony Leslie, Inspector of Licenses, for having, in ignorance of the Law, voted at the last Election for the County of Lanark, being read;*

The said Bill was accordingly read, and ordered to be Engrossed.

Trafalgar Road Bill. — *The Order of the Day for the House in Committee on the Bill to incorporate certain persons as "the Trafalgar, Equesing, and Erin Road Company," being read;*

The House accordingly resolved itself into the said Committee.

Mr. Scott took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Scott reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Great Western Railroad Extension Bill. — *The Order of the Day for the House in Committee, on the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Ermatinger took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Ermatinger reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Hastings Titles Bill. *The Order of the Day for the House in Committee on the Bill to remedy certain defects in the Registration of Titles, in the County of Hastings, in Upper Canada, being read;*

Ordered, That the said Order of the Day be postponed until Monday next.

Vidal's Relief Bill. *The Order of the Day for the House in Committee on the Bill to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for a Road across certain lots of land in the Township of Sarnia, in the Western District, now belonging to him; and on the sixth Report of the Standing Committee on Private Bills, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Lantier took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lantier reported that the Committee had gone through the Bill, without making any amendments thereto; and also that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That that part of the Sixth Report of the Standing Committee on Private Bills, which relates to the present Bill, be adopted.

Ordered, That the said Bill be Engrossed.

Government Roads Bill. *The Order of the Day for the second reading of the Bill to prevent the opening of Government allowances for Roads without an order from the Municipal Council of the District in which the said allowances are situated, being read;*

Ordered, That the said Bill be read a second time on Monday next.

Attendance of Witnesses Bill, (L. C.) *The Order of the Day for the second reading of the Bill to enforce the attendance of Witnesses before Magistrates in Lower Canada in certain cases, being read;*

The said Bill was accordingly read, and Committed to a Committee of the whole House.

Mr. Cauchon took the Chair of the Committee,

MR. PRES. EX. COUN. VIGER s'est opposé à cette mesure .... ((Elle donnait)) trop de pouvoir aux magistrats qui, pour la plupart, sont ignorants, dans les campagnes.[132]

((Plusieurs)) membres, qui sont magistrats, l'ont remercié du compliment.[133]

M. LANTIER. "Je ne remercie pas, a-t-il dit, l'honorable monsieur du compliment qu'il me fait, après avoir pris la peine de me nommer magistrat; il pouvait tout aussi bien me laisser tranquille chez moi."[134]

M. CHAUVEAU a ... parlé dans le même sens, en trouvant ridicule que l'on trouve les lois de son pays mauvaises et les magistrats ignorants; et que lo'n (sic) ne rappelle pas les premières et ne démet pas les derniers. "Quand on charge quelqu'un d'exécuter la loi, a dit M. Chauveau, on lui donne les moyens de l'exécuter."[135]

(155)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cauchon reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Orders Postponed. *Ordered, That the remaining Orders of the Day be postponed until to-morrow.*

Then, on motion of the Honourable Mr. Attorney General Smith, seconded by Mr. Solicitor General Taschereau,

The House adjourned.

APPENDIX, 23 APRIL 1846.

((NOTICE OF QUESTION RE: COURT MARTIAL ACTS.))

MR. DRUMMOND gave notice of his intention to ask the Ministry whether it was their intention to take any steps to repeal the Acts 3 Vict. cap. 3, 5, 7, commonly called the Court Martial Acts, which were passed in direct opposition to the law which created the Special Council, the body which originated them? Also, whether they intended to introduce any measure to assure to persons condemned and attainded by the said Courts Martial the possession of their property confiscated by that attainder?[136]

FOOTNOTES - 23 APRIL 1846.

1. MIRROR, 23 April 1846. The debate on this motion was reported by: MONTREAL GAZETTE, 27 April 1846; BRITISH COLONIST, 8 May 1846; and MIRROR, 23 April 1846, and PILOT, 25 April 1846, in identical accounts.
2. MONTREAL GAZETTE, 27 April 1846.
3. IBID.
4. IBID.
5. MIRROR, 23 April 1846.
6. MONTREAL GAZETTE, 27 April 1846.
7. MIRROR, 23 April 1846.
8. MONTREAL GAZETTE, 27 April 1846.
9. MIRROR, 23 April 1846.
10. MONTREAL GAZETTE, 27 April 1846.
11. IBID.
12. MIRROR, 23 April 1846.
13. IBID.
14 IBID.
15. IBID.
16. MONTREAL GAZETTE, 27 April 1846.
17. MIRROR, 23 April 1846.
18. MONTREAL GAZETTE, 27 April 1846.
19. MIRROR, 23 April 1846.
20. MONTREAL GAZETTE, 27 April 1846.
21. IBID.
22. The debate on this matter was reported by: MONTREAL GAZETTE, 27 April 1846; LE JOURNAL DE QUEBEC, 25 April 1846; LA MINERVE, 27 April 1846; and MIRROR, 23 April 1846, and PILOT, 25 April 1846, in identical accounts. There is a commentary in LE JOURNAL DE QUEBEC, 28 April 1846. LE JOURNAL DE QUEBEC, 25, 28 April 1846, commented: "Le bill de la Trinité de Quebec a été longuement discuté" and "la discussion fut tout à fait intéressante." Throughout this debate the French newspapers used the word "apprentif" rather than "apprenti"; this has been transcribed without a sic.
23. MIRROR, 23 April 1846.
24. MONTREAL GAZETTE, 27 April 1846.
25. MIRROR, 23 April 1846.
26. MONTREAL GAZETTE, 27 April 1846.
27. MIRROR, 23 April 1846.
28. MONTREAL GAZETTE, 27 April 1846.
29. MIRROR, 23 April 1846.
30. MONTREAL GAZETTE, 27 April 1846.
31. MIRROR, 23 April 1846.
32. MONTREAL GAZETTE, 27 April 1846.
33. LA MINERVE, 27 April 1846.
34. MONTREAL GAZETTE, 27 April 1846.
35. IBID.
36. MIRROR, 23 April 1846.
37. MONTREAL GAZETTE, 27 April 1846.

38. MIRROR, 23 April 1846.
39. MONTREAL GAZETTE, 27 April 1846.
40. MIRROR, 23 April 1846.
41. MONTREAL GAZETTE, 27 April 1846.
42. MIRROR, 23 April 1846.
43. MONTREAL GAZETTE, 27 April 1846.
44. MIRROR, 23 April 1846.
45. IBID.
46. MONTREAL GAZETTE, 27 April 1846.
47. MIRROR, 23 April 1846.
48. MONTREAL GAZETTE, 27 April 1846.
49. MIRROR, 23 April 1846.
50. LE JOURNAL DE QUEBEC, 25 April 1846.
51. MONTREAL GAZETTE, 27 April 1846.
52. MIRROR, 23 April 1846.
53. LA MINERVE, 27 April 1846.
54. MIRROR, 23 April 1846.
55. LA MINERVE, 27 April 1846.
56. MIRROR, 23 April 1846.
57. MONTREAL GAZETTE, 27 April 1846.
58. LA MINERVE, 27 April 1846.
59. MIRROR, 23 April 1846.
60. LA MINERVE, 27 April 1846.
61. MIRROR, 23 April 1846.
62. LA MINERVE, 27 April 1846. The account in the MIRROR, 23 April 1846, says that "four splendid packets" were wrecked.
63. LA MINERVE, 27 April 1846.
64. MIRROR, 23 April 1846.
65. LA MINERVE, 27 April 1846.
66. MONTREAL GAZETTE, 27 April 1846.
67. LA MINERVE, 27 April 1846.
68. MIRROR, 23 April 1846.
69. MONTREAL GAZETTE, 27 April 1846.
70. MIRROR, 23 April 1846.
71. LA MINERVE, 27 April 1846.
72. MIRROR, 23 April 1846.
73. LA MINERVE, 27 April 1846.
74. MIRROR, 23 April 1846. A passage has been omitted here.
75. MIRROR, 23 April 1846.
76. MONTREAL GAZETTE, 27 April 1846.
77. LA MINERVE, 27 April 1846.
78. MONTREAL GAZETTE, 27 April 1846.
79. IBID.
80. IBID.
81. IBID.
82. MIRROR, 23 April 1846.
83. MONTREAL GAZETTE, 27 April 1846.
84. MIRROR, 23 April 1846.
85. MONTREAL GAZETTE, 27 April 1846.
86. MIRROR, 23 April 1846.

87. MONTREAL GAZETTE, 27 April 1846.
88. IBID.
89. IBID.
90. MIRROR, 23 April 1846.
91. MONTREAL GAZETTE, 27 April 1846.
92. MIRROR, 23 April 1846.
93. MONTREAL GAZETTE, 27 April 1846.
94. MIRROR, 23 April 1846.
95. MONTREAL GAZETTE, 27 April 1846.
96. MIRROR, 23 April 1846.
97. MONTREAL GAZETTE, 27 April 1846.
98. IBID.
99. MIRROR, 23 April 1846.
100. MONTREAL GAZETTE, 27 April 1846.
101. MIRROR, 23 April 1846.
102. MONTREAL GAZETTE, 27 April 1846.
103. MIRROR, 23 April 1846.
104. IBID.
105. IBID.
106. MONTREAL GAZETTE, 27 April 1846.
107. MIRROR, 23 April 1846.
108. MONTREAL GAZETTE, 27 April 1846.
109. MIRROR, 23 April 1846.
110. MONTREAL GAZETTE, 27 April 1846.
111. MIRROR, 23 April 1846.
112. IBID.
113. IBID.
114. IBID. LA MINERVE, 27 April 1846, reported: "il y a trente ou quarante ans."
115. MIRROR, 23 April 1846.
116. LA MINERVE, 27 April 1846.
117. MIRROR, 23 April 1846.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. LA MINERVE, 27 April 1846.
123. The debate on this matter was reported by: MIRROR, 23 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts.
124. MIRROR, 23 April 1846.
125. The debate on this matter was reported by MIRROR, 23 April 1846, PILOT, 25 April 1846, and BROCKVILLE RECORDER, 30 April 1846, in identical accounts; and LA MINERVE, 27 April 1846.
126. MIRROR, 23 April 1846.
127. LA MINERVE, 27 April 1846.
128. IBID.
129. MIRROR, 23 April 1846.
130. LA MINERVE, 27 April 1846.

131. MIRROR, 23 April 1846.
132. LE JOURNAL DE QUEBEC, 25 April 1846.
133. IBID.
134. IBID.
135. IBID.
136. MONTREAL GAZETTE, 27 April 1846.

(155)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table.

By the Honourable Mr. Moffatt,--The Petition of the Reverend N. Guerout and others, members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Colville,--The Petition of William Barrett and R. A. Symms, Esquires, on behalf of the Commissioners of Common Schools for the Township of Hemmingford, in the County of Beauharnois.

By Mr. Foster,--The Petition of Charles Allen and others, of Shefford, in the County of Shefford.

By Mr. Chabot,--The Petition of Thomas William Lloyd, Esquire, and others, inhabitants and merchants of the City of Quebec.

By Mr. Price,--The Petition of John Adams and others, of the Township of Pickering, in the Home District; and the Petition of Charles Mathews and others, of the Township of Pickering, in the Home District.

By Mr. Boulton,--The Petition of the Right Reverend the Lord Bishop of Toronto and others, the Trustees Managing Committee, and others, interested in the House of Industry of the City of Toronto.

By Mr. Sherwood of Brockville,--The Petition of Thomas Percival and others, members of the United Church of England and Ireland, in the Township of Elizabethtown, in the District of Johnstown; and the Peti-

(156)

tion of Richard Percival and others, members of the United Church of England and Ireland, in the District of Johnstown.

By the Honourable Mr. Robinson,--The Petition of the Reverend Michael Harris, A.M., Rector, and others, the Wardens of St. James' Church, in Perth; and the Petition of James Scott and others, of Orillia and Medonte, in the District of Simcoe.

By the Honourable Mr. Attorney General Smith,--The Petition of the Reverend David Connell and others, of the Township of Dunham, in the County of Missisquoi; and the Petition of Bemon P. Warner and others, of the Township of Dunham, in the County of Missisquoi.

By the Honourable Mr. Baldwin,--The Petition of George S. Cotter and others, members of the United Church of England and Ireland, in the Mission of Newmarket, in the Home District; the Petition of Thomas Augustus Haines, Junior, on behalf of the members of the Baptist Church at London, in the County of Middlesex; and the Petition of the Reverend Dugald Sinclair.

By Mr. Ermatinger,--The Petition of the Reverend J. Gunne and others, members of the United Church of England and Ireland, in Dawn and other Townships in the Diocese of Toronto; the Petition of the Reverend Richard Flood and others, members of the United Church of England and Ireland, in Delaware and Caradoc, in the Diocese of Toronto; and the Petition of the Reverend James Mockridge and others, members of the United

Church of England and Ireland, in the Township of Warwick, in the Diocese of Toronto.

By Mr. Rousseau,--The Petition of Edouard G. Dugré and others, of the Parish of St. Michel d'Yamaska.

By the Honourable Mr. LaFontaine,--The Petition of the Reverend François P. Porlier, and others, of Terrebonne.

By Mr. Solicitor General Taschereau,--The Petition of the Reverend Robert Knight and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and the Petition of Narcisse Duchesnay, Esquire, and others, of Ste. Marie and other Parishes, in the District of Quebec.

By Mr. Thompson,--The Petition of Aaron Overholt, of the Township of Rainham, in the District of Talbot.

By the Honourable Mr. Solicitor General Sherwood,--The Petition of Thomas G. Ridout, Esquire, and others, officers and members of the Toronto Mechanics' Institute.

The Speaker, MR. MORIN,[1] called the attention of the House to a question of privilege, having reference to Messrs. Horton and Warren, Commissioners on the Middlesex contested election. ((The Speaker asked a question.))[2]

The Sergeant at Arms stated that he had these gentlemen in custody[3].

(156)

Middlesex Election. *The Serjeant-at-Arms was directed, by Mr. Speaker, to bring to the Bar of the House William Horton and Thomas D. Warren, Esquires, Commissioners appointed to receive evidence in the matter of the Contested Election for the County of Middlesex, now in his custody.*

The said Commissioners were accordingly brought to the Bar by the Serjeant-at-Arms.

William Horton, Esquire, interrogated.

Question 1.--Are you William Horton, Chairman of the Commissioners appointed by this House to take evidence in the matter of the Contested Election for the County of Middlesex?

Answer.--I am.

Thomas D. Warren, Esquire, interrogated.

Question 2.--Are you Thomas D. Warren, one of the Commissioners appointed by this House to take evidence in the matter of the Contested Election for the County of Middlesex?

Answer.--I am.

The Order of the House, of the thirty-first day of March last, for the appearance of William Horton and Thomas D. Warren, Esquires, Commissioners appointed for the County of Middlesex, was read.

The Order of the House, of the twentieth of April instant, that the said Commissioners be taken into the custody of the Serjeant-at-Arms, attending this House, or his Deputy, was also read.

William Horton, Esquire, again interrogated.

Question 3.--Have you anything to say on your behalf, besides what is contained in your Petition, presented to this House?

Answer.--Nothing further.

Thomas D. Warren, Esquire, again interrogated.

Question 4.--Have you anything to say on your behalf, besides what is contained in your Petition, presented to this House?

Answer.--Nothing further.

MR. MORIN communicated to them the resolution of the House, "that they had been guilty, of neglect in not sending the report of their proceedings at the opening of the Session; and further, that, in consequence of this neglect, they were to be taken into custody by the Sergeant at Arms."[4]

(156)

Ordered, That William Horton and Thomas D. Warren, Esquires, be directed to withdraw.

Mr. Horton and Mr. Warren then withdrew.

MR. AYLWIN[5] said, it became his duty to make a motion to deal with those gentlemen in a manner which became imperative, considering the importance of the matter in hand, and the offence of which they had been guilty. By an order of the House, they had been directed to attend at the bar, in order to account for a delay in sending the report of the commission with which they had the honor of being entrusted by the House, and they thought that the representation, or petition, which he held in his hand was a good and sufficient answer to the charge brought against them. Then if it were - if hon. members came to this resolution that the petition contained a sufficient excuse, he would say, that it might as well cease to exist. A petition had been sent to that House alleging that persons who now sit in the House, had usurped the seats of those who were rightfully entitled to them. (Cries of order, order.)[6]

MR. ROBINSON rose to call the hon. member to order. The hon. member had no right to say, that any one holding a seat in the House was a usurper; and he was rather surprised to hear such an expression made use of.[7]

MR. G. MACDONELL, of Dundas, had another complaint to make against the hon. member. When called to order by the hon. member for Simcoe he should have take (sic) his seat, and not have remained standing. (Hear, hear.)[8]

MR. AYLWIN hoped he would be allowed to proceed if all the questions of order were settled. A gentleman had come to the bar of the House, stating that he had a right to a seat now occupied by another and showed that the sitting member was not the true representative. ("Order.") Mr. Aylwin sat down.[9]

"Go on, go on," from the other side of the House.[10]

MR. AYLWIN repeated, that a gentleman had come to the bar and made his statement, and what was more, had given security that he would prosecute his claim. The House had entrusted the persons who had just withdrawn from the bar with the investigation of this subject, and in

what way had they performed their duty? He would condemn them out of their own mouth. By the petition of those gentlemen, it appeared that they proceeded to take evidence on the 21st February, 1845, and now on the 24th April, 1846, they were brought before the House for not having sent in their report at an earlier period. One of the oaths taken by the judges, and taken also by the Queen, was to render justice, speedy justice, and he would ask was any member in the House prepared to say that these Commissioners had not made a most unjustifiable delay? And what is the palliation; do they give any reason for such delay? Oh, yes! But what is it? "That the sitting member refused to proceed with the examination of witnesses, in consequence of the illegality of the proceedings of the commission." Now would it be believed that any man to whom a commission was intrusted by that House would allow a sitting member to refuse to proceed with the examination of witnesses? Would such a thing be credited for a moment? By the order of the House, these Commissioners had been appointed judges, subordinate judges if you please, but nevertheless with all the powers and all the responsibilities attending that office, and yet by the simple refusal of the sitting member, they allowed their proceedings to be put a stop to. If that course were to be upheld, he would say it was better to rescind the bill relating to contested elections altogether, and tell them at once it was all a farce, a mockery, to contest an election; that the return of the Returning Officer was sufficient to secure the seat of a member. Yes, if that action of the Commissioners was to be maintained, he would say it was as bad as a case which had occurred in the first session of this Parliament, where, although the Returning Officer made it appear that an hon. member now sitting not far from him (Mr. Woods) had the greatest number of votes, another gentleman walked into the House. No, he did not, and it was a pity, but he claimed to be fully entitled to take his seat. Why not at once give up the freedom of elections - say it was a mere farce - and not permit men under a false impression to spend large sums, and lose their money, in contesting them, and after all to be turned away when they come to the bar, because the Commissioners allowed themselves to be governed by a sitting member. (Hear, hear.) According to their own statement, those Commissioners adjourned from time to time till the seventh of April. By what right he would ask? Did they not know that in so doing they were acting in direct contravention to the statute? It was generally supposed that they would give some good and sufficient reason for this adjournment, but so far were they from attempting any thing of the kind, what when brought as culprits to the bar, they said they had nothing further to state than what was contained in their petition. Now he was unable to discover any thing in that petition which could excuse this conduct. They must have seen the proclamation calling the Parliament together at a much earlier period; that proclamation found every hon. member in the Province, and he and other hon. members found themselves in consequence bound to take their seats. But these persons assumed a higher right, they forsooth adjourned till the seventh of April, long after the House met, and he supposed the mere statement that they had done so, was quite sufficient to exonerate

them from all punishment, and to have it said that it was all very right and very proper. In that case he would ask hon. gentlemen on the other side of the House, if they had a right to adjourn till the seventh of April 1846, would they not have the same right to adjourn till the seventh of April 1847.[11]

MR. SOL. GEN. SHERWOOD, "certainly."[12]

MR. AYLWIN ((continued:)) Then if so, they had acted contrary to the statute. He would however, draw the attention of hon. members again to the petition he held in ((his)) hands. After this violation of law of which these culprits had been guilty, they now come before the House with an expression of regret that they have incurred its censure, and attributing their faults to their want of experience, this being the first commission upon which they had acted. He must say he liked that. (Hear and laughter.) "They regret having incurred the censure of your hon. House." (Hear, hear.) Certainly it was remarkably well expressed. Then there is their want of experience. He must say he looked upon it as very strange, that after a man had taken upon himself such an honourable trust as the House had imposed on these gentlemen, should afterwards come before them alleging that he wanted experience. It would seem that they expected to be honoured with another commission.[13]

MR. SOL. GEN. SHERWOOD - asked the hon. member to read that part of the petition which expressed such a wish.[14]

MR. AYLWIN - said there was no direct wish to that effect expressed, but from the expression made use of, "the first commission on which they acted," he was led to draw that conclusion. But he sincerely hoped they never would, and he for one would never forget the manner in which they had discharged their duty. He did not wish to say that their conduct had been wilful or malicious, but it was evident that they had been guilty of a most unjustifiable delay, delays being the pet children of Courts of Justice and Parliaments. If there was one case more than another which called for speedy justice, it was the case of contested election, and if the person petitioned against a man of honor, he would never rest satisfied, nor cease to exert every means to take the stain off his election. In conclusion, the hon. gentleman said he would be sorry to put any man in prison, he had been in prison himself, (hear, hear and laughter,) yes, he had been in prison himself and he well knew what it was, but if the course he proposed should be carried out, and these gentlemen were confined in prison and five minutes aftewards (sic) a petition was received from them, he would be the first one to vote for their liberation. He would however, be wanting in his duty as a public prosecutor, he would be wanting in his duty to the Hocse (sic), if he did not make the motion he then held in his hand, that Messrs. Horton and Warren had been guilty of high contempt, and if it carried he would follow it up with another motion for their incarceration.[15]

(156)

The Honourable Mr. Aylwin, seconded by Mr. Taché, moved, that William Horton and Thomas D. Warren, Commissioners appointed by this House to take evidence in the matter of the Contested Election for the County of Middlesex, having neglected and delayed to make a Return to the said Commission, and having presumed to adjourn the proceedings under the same, to a period of time subsequent to the commencement of the present Session of Parliament, having been guilty of high contempt and breach of the privileges of this House.

MR. GOWAN proposed to make some remarks on the tirade of the hon. member for Quebec. That hon gentleman's great objection to the petition of the commissioners, was the delay which occurred in laying the evidence before the House, they having met, as he stated, on the 21st February, 1845, a space of fourteen months having elapsed since that time. If the hon. member had taken the trouble to inform himself of the true state of the case, he might have saved himself and saved the House the tirade he had just inflicted on them. The commissioners had met on the 21st Feby., as stated by that hon. member, and continued day by day to take evidence till the 3rd March, on which day, Mr. Tiffany, the commissioner, named by himself, was the man who made the proposal to adjourn till the 30th June.[16]

Hear, hear, from the Ministerial benches.[17]

MR. GOWAN ((resumed:)) He would ask was the Parliament sitting on the 30th June? The hon. gentleman well knew that it had risen, and consequently it was impossible to lay any proceedings before it. What then became of his delay of fourteen months? The adjournment till the 30th June, was at the instance of his friend Mr. Tiffany, and it was thus that the delay was caused. The hon. member then laid great stress on the adjournment till the 7th April, and he would admit if they had committed an error, it was in making that adjournment.[18]

"Hear," from MR. AYLWIN.[19]

MR. GOWAN ((continued:)) But it was not with the intention of deferring justice, as that hon. member would make it appear.[20]

MR. AYLWIN's expression was to delay justice.[21]

MR. GOWAN - Well to delay justice. On the contrary, it would appear that all their proceedings shewed they were very tenacious of justice. The sitting member protested against the course taken by Mr. Tiffany, as would appear on the record before the House; but they went on in spite of that protest to make an ex parte examination of witnesses until the petitioner stated he was satisfied before they had got through the tenth part of the disputed votes. And he would ask the hon. member for Quebec what object could the commissioners have in holding back the evidence; how was it in their power to delay the ends of justice? No, they acted in a manner to save expense, and as they conceived according to the orders of the House, and the law of the land. It was very easy for the hon. member to abuse prisoners in the style he had done; but whose characters stood as high & were as unimpeachable as

that of the hon. member himself. And he (Mr. G) could assert that those gentlemen were incapable of acting as partisans when they were bound by their oaths to do justice. The hon. member then moved in amendment, that that part of Mr. Aylwin's motion accusing Messrs. Horton and Warren of contempt, be expunged, and that it be resolved, having satistorily (sic) answered the charge, that they be admonished and discharged.[22]

(156)

Mr. Gowan moved, in amendment, seconded by the Honourable Mr. DeBleury, That all the words after "moved" in the said motion be struck out, and the following substituted, "That William Horton and Thomas D. Warren, Esquires, having this day appeared at the Bar, pursuant to the order of this House, and having answered all such questions as were put to them, and having also by their petition represented, that the cause for not having sooner transmitted the evidence taken before them in the case of the Controverted Election for the County of Middlesex, was not owing to any contempt for, or disrespect of the House, but solely to a misconception of their duty and to an anxious desire to carry out the orders of the House, they be admonished by Mr. Speaker and discharged."

MR. SOL. GEN. SHERWOOD was not prepared to vote either for the motion or amendment. The first was too severe, and the latter was contradictory, as it did not state that the Commissioners were guilty of any error and yet requires their admonition. It appeared to him that the original motion might be so amended as to meet with the support of the House. He was as anxious as any one, that a man who took upon himself a commission should not act in such a manner as to compromise the proceedings of the House, but from anything that appeared he could not conceive for a moment that such was the wish of the intention of the gentlemen who had withdrawn from the bar, although he would at once admit that they had acted illegally, and that in the face of the Act of Parliament, in adjourning until the 7th April. Now according to the motion of the hon. member they were guilty of high contempt and a breach of privilege and yet it had not been shewn that the animus, the wilful intention of doing wrong was present, and if that could not be proved, no one would say that they were guilty of contempt. The most they could be charged with was an unintentional error. The amendment of the hon. member for Leeds on the other hand said they had answered every question satisfactorily. But he (Solicitor General) did not think so, they had not satisfied him, and he was prepared to move that they had been guilty of a breach of the privileges of the House, though unintentionally. If he could conceive for a moment that those gentlemen with whom he was well acquainted, and for whom he entertained the highest respect, knew that they were acting in direct contravention to the act, he would vote for the infliction of the extremest penalty. But as he could not take that view of it, there being nothing to show that they had done so, he would put his motion in a milder form, fully satisfied that in so doing the privileges and dignity of the House would be fully maintained.[23]

MR. G. MACDONELL of Dundas would wish to see the letter of instructions under which the Commissioners acted, and then came the question so far as he was concerned, whether a day or two should not be allowed to consider as to what course he would take on this subject. (No, no.) Then he must vote against every motion before the House. He would say however that before the House determined that these gentlemen had been guilty, their conduct ought to be compared with the instructions sent them, and if it then appeared that they had departed from them, to inflict punishment, but if that were not done he could not discover in what manner the House could come to a conclusion on the subject.[24]

MR. J. S. MACDONALD, Glengary, asked what would be tho (sic) next step, he supposed to commit them to prison; now he did not consider this fair, he could not believe that the commissioners would be guilty of an intentional and wilful contempt of this House. The commissioners might have had a difference of opinion on some point. It is well known that both election committees, and this House are often convulsed, on account of a difference of opinion; and he would ask, was it to be wondered at that the commissioners should have a difference of opinion? He believed that on this account they had adjourned to the time they did, hoping that the House would sit in the meantime, and that they should be able to obtain some directions as to their future course of procedure. He would put the question to every member in this House, and ask whether this could be considered as an intentional contempt of this House, he thought not, and he was therefore prepared to vote against both the member for Quebec, and the amendment of the member for Leeds, and vote for the amendment proposed by the Solicitor General West.[25]

MR. WILLIAMS said that the amendment of the member for Leeds was inconsistent with itself, for if the commissioners had satisfactorily answered the questions put to them, they ought not to be reprimanded by the Speaker. To the main motion he had an objection, and it was this, that the commissioners were said to have been guilty of a high contempt of this House. He did not believe that it could be said that they were guilty of such an offence, nor did he believe that any hon. member in this House could conscientiously say so.[26]

MR. AYLWIN. - I do.[27]

MR. WILLIAMS - If the hon. member for Quebec did believe so, it was his duty to have questioned the commissioners when at the bar to bring out that fact; but he (Mr. Aylwin) had not done so. He (Mr. Williams) considered it too severe to say that they had been guilty of a high contempt of this House.[28]

MR. RIDDELL would vote for the amendment of the member for Leeds, for he could not see that the commissioners had been guilty of either a high contempt of this House or a wilful breach of its privileges; he believed that they acted through ignorance, and were not to be punished for it.[29]

MR. WILLIAMS - The commissioners adjourned to a time when they thought

that the parliament would be sitting, and intending to have written to the Chairman of the Election Committee for instructions.[30]

MR. BALDWIN - said no one could pretend to say the Commissioners could be justified, with the act of Parliament staring them in the face requiring that the committee should meet for business, two days after the opening of the session, whereas they adjourned till ten days after. Whether intententionally (sic) or unintentionally was a case in their own breasts, but it was clearly a violation of the law which should be visited by the House with punishment, and if a strong case such as the hon. member for Durham, referred to, could be made out, he would not vote for their temporary imprisonment, but that they should not be discharged during the whole session. Now the gentlemen in custody of the Sergeant were in a far worse position than those who ((stood)) at their Bar a few days ago. The latter were merely charged with neglect, whilst the gentlemen whose conduct is at present under discussion were guilty of a breach of privilege, and if the motion of the hon. Solicitor General were carried it would place them exactly on a par. In his mind then (sic) was no comparison in the extent of the offence in the two cases and he felt that they would do those gentlemen who had been punished in the West Halton election case an injustice if they awarded the same amount of punishment to those Prisoners, who were guilty of a much greater offence, but he found that they could not go quite so far as his hon. friend from Quebec on that occasion as he had felt very great pain in voting for the resolution which was passed. But in this case, where the gentlemen had acted so directly contrary to law and with the law staring them in the face, he could come to no other conclusion than that they were guilty of high contempt and if his hon. friend would modify his motion he would vote for it the more readily as he had not a doubt in his own mind they should be committed. He must say there was not much to be said in their favour, as instead of taking a course calculated to bring the matter to a speedy and satisfactory conclusion, they by their own abstract views of the Act, had taken that which was most certainly calculated to cause expense and trouble. Even if the House should not support him in his views, he was determined not to let them off without some very severe visitation from the House[31].

Some words ((were exchanged)) between MR. GOWAN and MR. AYLWIN[32].

MR. GOWAN said that there were three persons included in the commission; one of them had been brought before the House and discharged. Now, he believed, that there would be more or less of party mixed up in the matter. And he would ask what appearance the motion of the member for Quebec would have before the country, to imprison two of the commissioners who belonged to an opposite party, and dismiss one of them who belonged to the same party as did the member for Quebec? The very appearance of it would disgust the country. In his opinion equal justice ought to be dealt out to all the commissioners. If they have acted wrong, the House ought to punish them equally. The hon. member for Quebec says that he stands here as a public prosecutor. He (Mr.

G.) regretted to hear him say so. He ought not to stand in that position, for he is sworn to try the case. He is a juror to try the controverted election. (Hear, hear.) He (Mr. G.) hoped he would hear, and understand to (sic). He did not believe that the commissioners had been guilty of contempt of the House; for mark, their conduct when they received the summons of this House, they do not wait till the Sergeant at Arms goes for them, and compels their attendance, but they immediately set off for this House, and they meet the Sergeant at Arms at Coteau du Lac. He (Mr. G.) could not vote for the amendment of the Sol. General, for he could not arrive at the same conclusion. Does he (Mr. Sherwood) mean to say that they have violated any order of the House. The Sol. Gen. says, that they have violated the laws of the land; but does every one that violates the law of the land commit a breach of the privileges of this House. He (Mr. G.) would ask, if the commissioners had violated any instructions of this House? He believed not. He would, therefore, still press his motion, and have the commissioners admonished and dhiscarged (sic).[33]

MR. DICKSON - could not vote for the motion of the hon. and learned member for Quebec, neither could he vote for the amendment of the hon. and almost learned member for Leeds. The answers given at the bar were in his (Mr. Dickson's) opinion satisfactory, notwithstanding the sophistry of the hon. member for Leeds who urged in support of his amendment, the correct answers given to the questions, "what is your name, &c." (laughter.) What he (Mr. Dickson) would regard as satisfactory, would be reasons, and not answers to questions of mere form. He thought the honor and dignity of the House ought to be maintained, but did not think it necessary for the attainment of that end to send the Commissioners to gaol. They certainly had not done what was required of them, they had offended against the honor and authority of the House, but they had offered what is usually accepted by society in such cases, an apology, and it would in his view, accord more with the dignity of the House to abide by the same rule than to resort to vengeance. Allusion had been made to another Commissioner who had been at the bar a few days before, and who, if the motion of the hon. member for Quebec were carried, would certainly appear to have been leniently dealt with. He (Mr. Dickson) regarded that Commissioner as equally guilty with those then at the bar, although the fact of his absence from the meeting at which the last adjournment was resolved upon, might be urged in his favor. He (Mr. Dickson) would, under all the circumstances of the case, vote for the amendment proposed by the hon. Sol. Gen. West.[34]

MR. AYLWIN - The hon. member for Leeds had alluded to party feeling, influencing the disposition of members towards the commissioners.[35]

MR. GOWAN - I entirely acquitted you of any such feeling in the matter.[36]

MR. AYLWIN knew not which of the Commissioners was of this political opinion or of that; he merely desired to maintain the honor and dignity of the House, and that he thought could only be done by adopting the course he had pursued; he was the last man to imprison another could it be avoided, but in this instance it could not; the House

could not stultify itself; the law had been plainly violated by professional men who had solemnly undertaken to discharge a duty for the House and for the country; acts alone were to be looked at, and not intentions. What law enquires into the intentions of a criminal? In the present instance an Act of Parliament limited the power of adjournment of commissioners as clearly as it did that of the committee; no committee dare adjourn but from day to day; did they act otherwise, they would be sent to gaol; and if a committee would be so dealt with, was it to be tolerated in a commissioner to adjourn for whole months. The petition of the commissioners meant to show that they had erred unintentionally; that might be, they might be as ignorant as their friends represented them, and if so, ought, morally speaking, to be discharged; but that House was not to judge morally but according to facts.[37]

(156)

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Bowlby, Colville, Daly, DeBleury, Attorney General Draper, Ermatinger, Foster, Gowan, Jessup, Macdonald of CORNWALL, Macdonald of KINGSTON, Malloch, Moffatt, Monro, Murney, Petrie, Riddell, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stewart of BYTOWN, and Webster.--(22.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chalmers, Chauveau, Christie, Cummings, Lacoubriere, DeWitt, Dickson, Duggan, Franchère, Guillet, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonald of GLENGARRY, Macdonell of DUNDAS, Macdonell of STORMONT, McDonell, Methot, Papineau, Powell, Price, Rollin, Rousseau, Scott, Seymour, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Taché, Solicitor General Taschereau, Thompson, Viger, Williams, and Woods.--(44.)

So it passed in the negative.

The Honourable Mr. Solicitor General Sherwood then moved, in amendment to the main motion, seconded by Mr. Williams, That all the words after the word "guilty" in the said motion, be struck out, and the fol-

(157)

lowing substituted, "(though, in the opinion of this House, unintentionally) of a breach of its privileges."

The Question having been put upon the said motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Guillet, Jessup, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON,

Macdonell of DUNDAS, M'Connell, Méthot, Meyers, Moffatt, Monro, Murney, Papineau, Powell, Petrie, Robinson, Rolfin, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTOWRTH, Stewart of BYTOWN, Stewart of PRESCOTT, Solicitor General Taschereau, Thompson, Viger, Webster, Williams, and Woods.--(42.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chauveau, Desaulniers, DeWitt, Franchère, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonell of STORMONT, Price, Rousseau, Scott, and Taché.--(22.)

So it was carried in the affirmative.

The Question being then put on the main motion, as amended, the House again divided thereon, and the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative, and

Ordered, Accordingly.

The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Williams, that William Horton, Esquire, and Thomas D. Warren, Esquire, Commissioners appointed to take evidence upon the trial of the Controverted Election for the County of Middlesex, be admonished by Mr. Speaker, for the breach of the privileges of this House, of which they have been guilty, and that they be then discharged.

MR. MOFFATT had voted for the amendment of the hon. member for Leeds, because of the lenient treatment the other commissioners had received. Did he think that the commissioners had committed the wrong complained of intentionally he would vote for the motion of the hon. member for Quebec; but he could not take that view of their conduct, and would, therefore, vote for the amendment of the hon. Solicitor General.[38]

MR. LAFONTAINE would vote against the motion as amended; for the House having determined that the commissioners had erred unintentionally could not consistently sentence them to any punishment. Where there was no wrong intention, there was no real crime.[39]

MR. J. S. MACDONALD, of Glengarry, was of the same opinion as that just expressed by the hon. and learned member for Terrebonne, and would vote accordingly.[40]

MR. SOL. GEN. SHERWOOD said, that the motion declared that a breach of the privileges of the House had been committed, but the punishment was regulated by the extenuating circumstances set forth in the petition.[41]

(157)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Guillet, Jessup, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Methot, Meyers, Moffatt, Monro, Papineau, Powell, Petrie, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Solicitor General Taschereau, Thompson, Viger, Webster, Williams, and Woods.--(41.)

NAYS.

Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chauveau, Desaulniers, DeWitt, Franchère, Gowan, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, M'Connell, Price, Rousseau, and Taché.--(23.)

So it was carried in the affirmative, and

Ordered, Accordingly.

Mr. Speaker acquainted the House that he intended addressing the Commissioners in the words following, viz.:--

William Horton and Thomas D. Warren, Esquires,

The offence of which you have been declared by this House to be guilty (though not intentionally), is of a very grave nature. The neglect and delay on your part to make a Return of your proceedings, and the adjournment of your sittings, contrary to law, to a period of time subsequent to the commencement of the present Session of Parliament, are in direct opposition to the Rules which ought to have been your guide, in a matter so vitally affecting the privileges and the very constitution of this House; I have therefore to admonish you, by order of the House, which I do; and I intimate to you the further order of the House that you be now discharged.

Ordered, That William Horton, Esquire, and Thomas D. Warren, Esquire, do now attend at the Bar of the House.

The said William Horton, Esquire, and Thomas D. Warren, Esquire, were then called to the Bar of the House, and admonished by Mr. Speaker, and discharged.

Then they withdrew.

Message from Legislative Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Queen's College Estates Bill.

MR. SPEAKER,

The Legislative Council have passed a Bill, intituled, "An Act to transfer to "Queen's College at Kingston," certain estates, rights, and liabilities of "'the University at Kingston,'" to which they desire the concurrence of the Assembly.

And then he withdrew.

An Engrossed Bill from the Legislative Council, intituled, "An Act to transfer to "Queen's College at Kingston," certain estates, rights, and liabilities "of the University at Kingston," was read for the first time.

Report of Superintendant of Education. — Mr. Speaker laid before the House the Report of the Superintendent of Elementary Education for Lower Canada, for the year 1845.

(For the said Report, see Appendix P.)

Printed. — Ordered, That two hundred and fifty copies of the said Report be printed in each of the English and French languages, for the use of the Members of this House.

Magdalen Islands Address. — The Honourable Mr. Daly, one of Her Majesty's Executive Council, reported that he had, according to order, waited upon his Excellency, the Administrator of the Government, on the part of this House, with the Joint Address of both Houses, on the subject of the annexation of the Magdalen Islands to the Province of Prince Edward Island; and that His Excellency had been pleased to give the following answer:--

Honourable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly,

I entirely concur with the sentiments expressed in your Joint Address, against the annexation of the Magdalen Islands to the Government of Prince Edward Island, and I shall have much pleasure in recommending the subject to the Secretary of State for the favourable consideration of Her Majesty's Government.

Common School Bill, (U. C.) — An Engrossed Bill for the better establishment and maintenance of Common Schools in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Draper, do carry the said Bill to the Legislative Council, and desire their concurrence.

Building Societies Bill. — An Engrossed Bill, to extend the provisions of the Act incorporating the Montreal Building Society to the several Cities and Towns in Upper Canada, was read for the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada, formerly constituting Upper Canada."

(158)

Ordered, That Mr. Boulton do carry the said Bill to the Legislative Council, and desire their concurrence.

Vidal's Relief Bill. — An Engrossed Bill, to vest in Richard E. Vidal, his heirs and assigns, the Government allowance for

a road across certain lots of land in the Township of Sarnia, in the Western District, now belonging to him, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Woods do carry the said Bill to the Legislative Council, and desire their concurrence.

Presbyterian Synod Relief Bill. — An Engrossed Bill, to enable the Ministers of the Associate Presbyterian Synod of North America to keep Registers of Baptisms, Marriages, and Burials, performed by them, and for other purposes, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Colville do carry the said Bill to the Legislative Council, and desire their concurrence.

Witnesses Attendance Bill, (L. C.) — An Engrossed Bill, to enforce the attendance of Witnesses before Magistrates in Lower Canada, in certain cases, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Taschereau do carry the said Bill to the Legislative Council, and desire their concurrence.

Leslie's Indemnification Bill. — An Engrossed Bill, to indemnify Anthony Leslie, Inspector of Licenses, for having, in ignorance of the Law, voted at the late Election for the County of Lanark, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Leslie do carry the said Bill to the Legislative Council, and desire their concurrence.

Macara's Relief Bill. — An Engrossed Bill, for the relief of John Macara, of the City of Toronto, Esquire, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act for the relief of John Macara, of the City of Toronto, Esquire, and of other Solicitors, Writers, and Advocates, before the Sheriffs' Courts of Scotland."

Ordered, That Mr. Macdonald, of Kingston, do carry the said Bill to the Legislative Council, and desire their concurrence.

Wild Fowl Preservation Bill. — An Engrossed Bill, for the better preservation of certain Wild Fowl, in the County of L'Islet, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Taché do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. *Pursuant to the Order of the Day, the following Petitions were read.*

Of John A. Pierce and others, who have purchased portions of the lands of the late Captain William Duncan, of Williamsburgh, in the County of Dundas; praying that the Bill granting letters of preference to Juliet Vanzandt, may not pass into a Law.

Of Joseph Browitt and others, of Dereham, and other Townships, in the District of Brock; praying for the construction of a Harbour at Port Burwell, and that the Township of Bayham may be annexed to the said District, in exchange for a part of the Township of Nissouri, to be annexed to the District of London.

Of Robert Julyan, Assistant Harbour Master of the Port of Quebec; praying that his duties may be defined, and that he may have a seat at the Trinity Board, during the absence of the Harbour Master; of that the said Harbour be divided into distinct Districts, and placed under the control of distinct Harbour Masters.

Of William Tremain and others, Lumbermen, and others; praying that the owners of Mills may be required to erect Slides of a certain size upon their Mill Dams.

Of Edward Hollingsworth, and others, members of the United Church of England and Ireland, in the Township of Tyendinaga, in the Diocese of Toronto; and of the Reverend Paul Shirley, and others, members of the United Church of England and Ireland, in the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of the Reverend David Gibbs, A.M., and others, of Granby; praying that the Clergy Reserve Lands may be sold, and their proceeds disposed of as the Legislature may deem fit.

Of Pierre Curodeau and others, Pilots for and below the Harbour of Quebec; praying for certain amendments to the proposed Bill relating to the Trinity House of Quebec, and to the Quebec decayed Pilot Fund.

Of the Mayor and Councillors of the City of Quebec; praying that rights of property be not vested in the Trinity House of Quebec, as respects the Harbour called the Cul de Sac.

Of Pierre Pagé and others, Pilots for the Harbour of Montreal; praying for certain amendments to the proposed Bill relating to the Trinity House of Montreal.

Of F. M. Soulard, Esquire, Mayor, and Amable Morin, Secretary, on behalf of the Municipal Council of the Parish of St. Roch des Aulnets; praying for aid to enable them to finish a wharf which they have commenced.

Of Ferdinand Murphy and others, of the Parish of St. Gabriel de Valcartier; praying that part of the Road from Valcartier to Quebec, called the Middle Road, may be Macadamized.

Of William Parks and others, of the Parish of St. Benoit, in the County of Two Mountains; praying for the construction of a Road according to a certain survey from the Parish of St. Eustache to the Township of Grenville.

Petitions referred:--

J. A. Pierce, et al.

Resolved, That the Petition of John A. Pierce and others, who have purchased portions of the lands of the late Captain William Duncan, of Williamsburgh, in the County of Dundas, be referred to a Select Committee, composed of Mr. Macdonell of Dundas, Mr. Scott, Mr. Chalmers, Mr. Lantier, Mr. Cummings, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

P. Pagé, et al.

Resolved, That the Petition of Pierre Pagé and others, Pilots for the Harbour of Montreal, be referred to the Select Committee to which was referred the Bill to repeal certain Acts and an Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.

F. Murphy, et al.

Ordered, That the Petition of Ferdinand Murphy, and others, of the Parish of St. Gabriel de Valcartier, be referred to the Select Committee, to which was referred the Petition of Jean Baptiste Pagé and others, inhabitants of the Parish of L'Ancienne Lorette, and other references.

(159)

J. Ferrier, Esq. et al.

The Honourable Mr. Moffatt moved, seconded by Mr. Macdonald of Cornwall, that the Petition of James Ferrier, Esquire, Mayor and others, Members of the Municipal Council of the City of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Moffatt, the Honourable Mr. DeBleury, Mr. Boyer, Mr. LeMoine and Mr. Leslie, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.[42]

M. LAFONTAINE demanda pourquoi, on mettait ce mot, maire, à la suite du nom de James Ferrier. C'était donc par modestie que cet individu demandait que son élection fût annulée. S'il était vraiment maire, pourquoi faire annuler son élection? Mais non, il (M. L.) défiait aucun avocat du Bas Canada de soutenir que M. Ferrier avait été dûment élu maire.[43] He disignated (sic) Mr. Ferrier "a modest and patriotic individual."[44]

MR. MOFFATT ... he is both modest and patriotic; he conceives that the whole proceeding was irregular, and simply applies to this House to set it aside.[45] C'était en effet par modestie que M. Ferrier fesait cette pétition[46].

(159)

The question having been put upon the said motion, a division ensued and the names being called for, they were taken down as followeth:--

YEAS.

Christie, Colville, Cummings, Daly, DeBleury, Attorney General Fraser, Hagar, Foster, Gowan, Hall, Jessup, Johnston, Macdonald of

CORNWALL, Macdonald of KINGSTON, Macdonell of LUNDAS, M'Connell, Meyers, Moffatt, Morris, Murney, Petrie, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Viger, and Williams.--(29.)

NAYS.

Baldwin, Berthelot, Bouthillier, Cauchon, Chauveau, DeWitt, Franchère, LaFontaine, Lantier, Laurin, LeMoine, Leslie, M'Thot, Powell, Rousseau, Scott, Smith of WENTWORTH, Taché, Solicitor General Taschereau, and Thompson.--(20.)

So it was carried in the affirmative, and

Resolved, Accordingly.

Private Bills. Mr. Price, from the Standing Committee on Private Bills, presented to the House the Tenth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Universalists." Your Committee have considered the Petitions of the Reverend David Leavitt and others, and of the Reverend Benjamin Fralick and others, members of the Christain Universalist Association of Canada West; praying that they may enjoy the same privileges as other Religious Bodies; and they beg to recommend the prayer of the said Petitions.

"New Jerusalem Church." With regard to the Petition of the Reverend John Harlim and others; praying the same privileges for the "New Jerusalem Church;" your Committee, without intending to express any opinion adverse to admitting this denomination to the privileges enjoyed by many others, feel it their duty to state that they have not had that evidence adduced in proof that the body in question is of that numerical extent in this province, as to render specific legislation in its behalf expedient.

Report on Petition of Mayor, &c., of Quebec. Mr. Chabot,[47] from the Select Committee to which was referred the Petition of the Mayor and Councillors of the City of Quebec, and other References, with power to report from time to time; presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the Petition from the said Mayor and Councillors; which prays that the Act incorporating the City of Quebec, may be so amended as to provide for the Election of Assessors; and having taken the evidence of George O'Kill Stuart, Esquire, Mayor of Quebec, (which is appended hereto,) they are fully persuaded of the propriety of granting the powers prayed for. Your Committee have also examined the Petition of the said Mayor and Councillors, of the said City of Quebec; praying for the establishment of a Mayor's Court in the said City; and your Committee do not think proper to recommend the establishment of such a Court under present circumstances.

Your Committee have also examined the Petition of Julien Chouinard

and others, Merchants of the said City of Quebec, complaining of the abuses resulting from the liberty which is allowed to the Pedlars in carrying on their business in the streets and public places in the said City; and your Committee recommend that measures be adopted to remedy these abuses.

MINUTES OF EVIDENCE.

George O'Kill Stuart, Esquire, Mayor of the City of Quebec, called in and examined.

What circumstances have induced the Corporation of the City of Quebec to apply to the Legislature for an amendment of their Act of Incorporation, so far as respects the election or appointment of Assessors? --The circumstances are, that at the election of Councillors for the present year, which took place in Febraury last, an Assessor was elected for St. Lewis Ward, and another for Champlain Ward: after these elections it was ascertained that both these elections were void, neither of the parties elected being qualified,--the one chosen for St. Lewis Ward, by reason of non-residence, and the one for Champlain Ward by reason of his means not enabling him to qualify to the amount of £500. The Act of Incorporation makes no provision for a new election, the consequence of which will be, that these two Wards being without Assessors, there can be no assessment for the current year for the Wards above-mentioned, and one-third of the entire City revenue will be thereby lost, unless the Legislature interfere, and remedy the defect in the law above-mentioned.

Is there any other enactment, which it is considered by the Council of the said City, might, with advantage be added to the Act incorporating the said City?--Yes, the establishment of a Mayor's Court, as appears by the following Resolution, unanimously adopted by the Council on the 1st instant:--"Resolved, on motion of Mr. Belleau, seconded by Mr. Tessier, That His Worship the Mayor be authorized to address the Legislature of this Province, in its present Session, for the establishment of a Mayor's Court, with all the necessary powers, and such as are vested in the Mayor's Court at Montreal." The circumstances that led to the passing of this Resolution are, that at present, and for a long time passed, it has been found impossible to enforce the levying of a large portion of the assessments, as well as the execution of the Bye-Laws of the Corporation imposing penalties for non-observance of their provisions. As respects the assessments, a large number of persons are assessed in sums varying from a few pence to twenty shillings; the mode of recovering these sums is by proceedings before the weekly sittings. The costs in these cases are, first, to the Clerk of the Peace, for the summons; secondly, for the bailiff; and, thirdly, to the attorney: making in all about fifteen shillings law costs, before the case appears even before the Magistrate, the consequence of which is, that a poor person who in many cases has not paid his one, two, or three shillings, the amount of his assessment, merely from neglect or inadvertance, and he being at the same time perfectly willing to pay, upon calling at the Office of the City Treasurer to do so, is informed

that the amount cannot be received unless he pays, over and above his assessment, something like ten times the amount, and some times more as law costs: the consequence of this is, that the class of persons above-mentioned, when sued, abstain from paying altogether. In this state of the case, the Corporation is obliged to proceed to judgment, at which stage the costs amount between one and two pounds; judgment obtained, after proceeding to execution, it is found in many of these cases that the amount levied is not sufficient to pay the expense of carting the effects sold to the market place; the consequence of which is, that the Corporation find it far more profitable to the City to ab-

(160)

solve these persons from the payment of their assessment, by not suing them, than to sue them and get nothing. It so happens that in addition to the above heavy burden imposed on the citizens of Quebec in the shape of law costs, the prosecutions fail from errors committed by Assessors in not procuring correctly the names of the parties assessed; in such cases the prosecutions are dismissed from want of form, and the Corporation in many cases has to pay double costs; all this occasions a loss to the City of about a thousand pounds per annum, from arrears of assessments alone. Then as respects the enforcing of the regulations passed for the good government of the City, similar costs attend prosecutions for a breach of these; objections to form of every description are continually raised to these suits, and in most cases successfully; and when they are unseccessful a Certiorari is issued, which stays the execution for an indefinite period of time, and in most cases altogether,--the consequence of which is, that nuisances and obstructions in the streets cannot be removed by an enforcement of the Bye-Laws of the Corporation. Such is the administration of justice in relation to these matters at the present time, that no matter however injurious to the health of the City the continuance of nuisance may be, or whatever may be the danger to which the citizens are exposed from obstruction in the highway, there is no mode of removing them until after a long and vexatious litigation, in many cases unsuccessful from some defect in matters of form. It is to remedy these evils that the Corporation desire the establishment of a Mayor's Court of a description similar to that established in Montreal, which I have been informed has proved a remedy for similar evils of which the Corporation there had to complain. The costs in such a Court must of necessity be trivial, and I should say not more than equivalent to the mere disbursement occasioned by the prosecution. I have only to add, that so sensible are the citizens of Quebec of the necessity of a remedy to the evils of the present system, in the particulars above stated, that there was not a dissenting voice in the Corporation when the application to the Legislature for a Mayor's Court (above quoted) was resolved upon.

Quebec Incorporation Amendment Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill further to amend the Ordinances incorporating the City of Quebec, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Report on Petition of Navigators of Saguenay, &c.

The Honourable Mr. Laterrière, from the Select Committee to which was referred the Petition of James Alexander and others, Navigators, residing in the County of Saguenay, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee having taken into consideration the Petition of James Alexander and others, William Price and Joseph Hovington, and Ephraim Tremblay, beg leave to recommend the introduction of a Bill, to enable the Trinity House at Quebec to examine persons desirous of being Branched as Pilots for the River Saguenay, and to give branches to such and so many persons duly qualified therefor, as the said Trinity House shall deem necessary.

Saguenay Pilotage Bill.

Ordered, That the Honourable Mr. Laterrière have leave to bring in a Bill to make special provision for the Pilotage of Vessels bound to the River Saguenay.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Courts of Assize, (U.C.)

Mr. Roblin moved, seconded by Mr. Powell, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing so much of the Statute eighth Victoria, chapter fourteen, of Upper Canada, as provides that the Courts of Assize and Nisi Prius shall be held but once in each year in the Districts of Prince Edward, Colborne and Talbot.[48]

MR. AT. GEN. DRAPER replied that the general law passed last year on this subject was predicated on the principle, that there were many parts of the country where assizes were not required more than once a-year. For his own part he believed that this was the case with the districts mentioned in the motion. With regard to the district of Prince Edward, he could say that[49], during several assizes that he had attended[50], there was frequently no more than one prisoner to be tried at the assize who could not have been tried at the Court of Quarter Sessions. With regard to civil suits, too, he could say, that for a long time the Court had got through the whole business of the assize by 2 o'clock on the second day. He knew that many other districts were in the same position.[51] ((With regard to the)) objection that a prisoner may be kept a long period in gaol before he can be tried,[52] he would ask the hon. members for Prince Edward and for Norfolk, whether he was not correct - whether in fact there was a single prisoner in jail at this moment waiting for trial in either of those districts. If there were, however, any of these extreme cases, he would still remind his hon. friends that some

provision was made to meet them. This was done by increasing the power of the Court of Quarter Sessions; by permitting a prisoner who desired a speedy trial to obtain it in the adjoining district; and by giving increased facilities for admitting parties to bail, except in extreme cases. His hon. friend would also recollect, that in extraordinary cases it was easy to obtain a special commission to discharge the jail (sic).[53] He, therefore, felt himself bound to oppose the motion, unless it could be shown that the business had increased, and more crimes were committed. He also objected to the increase of expenditure which would follow the alteration of the present law, and to the altering a law which had passed only last session, without very strong grounds being shown for doing so.[54]

MR. HALL was glad to hear the sentiments of economy which had fallen from the hon. gentleman[55] ((and)) of the great notions of economy which the administration had recently adopted, but he did not approve of the application of that economy, so as to deprive a district seventy-five miles long of a great convenience, which the people[56] all wished, for the sum of £25 a year, and which they were willing to pay[57] themselves.[58] Indeed, there was one case in which he knew a person who would have to pay ((the)) whole amount himself. When the bill was ... passed he was told that if it did not work well it would be repealed; and he thought it the duty of the Government to grant that which all the people wanted.[59]

MR. BALDWIN said that when the act was passed, he expressed doubts of its success, and he was not surprised at the complaints which were now made against it.[60]

MR. POWELL was happy to confirm what had ... just been said; he would mention that there was a prisoner in his district who had been in jail since last fall, and who could not be tried until May next. He thought that it would be a great convenience to people in his district to have two courts a year, and he was in hopes that the Ministry would not have opposed the motion.[61]

MR. SOL. GEN. SHERWOOD said, when he introduced the bill, he stated he would be willing to repeal it if it did not realise the intention he had in passing it; but it had done so.[62] A beneficial result ... had in fact been experienced: this was the fixing of the times at which the assizes should be held, so that persons who had causes coming on, might attend to their business in other parts of the province, or even in England, and yet be able to make their arrangement so as to be in the court when their presence became necessary.[63] By the present law, if you want to know at what time the court is to be held in any place, you have only to look at the statute book or at an almanack, and you will find the precise day the court will be held. Formerly, the Judges fixed it themselves, and the people did not know it until a very few days before the court sat. This he thought a very great advantage[64]. Another reason for the alteration of the law, was the facilities which were afforded by it to law officers of the Crown, to attend to prosecu-

tions at the assizes, instead of employing Queen's counsel. This was effected in a great measure, except on one or two circuits, and would have been still farther effected had it not been for the system of Responsible Government[65]. ((But)) of course they could not ... ((attend every assize)) during the sitting of this House, as under the present system of Responsible Government, they were obliged to be here, and the business had to be done by Queen's Counsel during the sitting of this House; but in vacation they did so, which it would be impossible for them to do if the present system was altered. He thought that there was no necessity for having more than one court a year, and he thought that the people did not want it because the business required it but because it would circulate money in the District. If the law is altered, it will not be in the power of the Judges and Crown officers to perform all their duty; if he thought that they could, he would be happy to assist them in carrying out the proposed change, but he did not think it possible, the Judges already complain that they have not sufficient time, and if the measure passes, they must also repeal the table at the end of the act, and leave it to the Judges to appoint the time at which the court is to be held, a system which every one has spoken against. Under these circumstances he would oppose the measure.[66] With respect to the civil case mentioned by the hon. member for Peterborough, he would say that the actions (sic) might have been tried in the adjoining district.[67]

MR. HALL. - Yes! with the chance of having the venue changed.[68]

MR. SOL. GEN. SHERWOOD. - Well! what he wished to point out to the house was this, that unless this plan was persevered in, it would be absolutely impossble (sic) to preserve the present arrangements for the Assizes, and things would revert to the old system, when the judges only gave a few days' notice of their intentions to hold an assize.[69]

MR. MERRITT - recollected when these double circuits were established, at that time the hon. member for Toronto (Mr. Sherwood) was a great advocate for them. We now see the effects of them, for before they were established the whole expense[70] of the administration of justice was only £3800[71], while now, in consequence of the fees of Queen's Counsel &c., the expense has greatly increased.[72] Instead of hon. members desiring more double assizes, they should rather endeavour to get rid of those which at present existed[73] ((in)) some of the Districts.... He would be happy to support the Government on this occasion, for it is not often we have an opportunity of supporting them in an economical measure.[74]

MR. ROBLIN - was happy that the discussion had come up at this time, and he hoped that no member who disapproved of his motion, would from delicacy to him, refrain from voting against it. He (Mr. R.) had opposed the measure last session, as he wished to write to the people of Prince Edward to know their opinions with respect to it. He must acknowledge that what the Attorney General had stated with respect to Prince Edward, was perfectly correct - that there is not now a prisoner in the

gaol, for we are a peaceable people. But notwithstanding this, the inhabitants of Prince Edward have complained ((of)) being deprived of double circuits, and the Grand Jury have presented the Legislature in consequence of passing this bill. He (Mr. R.) had presented a petition to this House, signed by every Advocate and Magistrate in the District, requesting the re-establishment of double circuits. - He (Mr. R.) was not desirous of interfering with the present system of fixing the time when the circuits were to be held, as he considered it a good one.[75]

(160)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cauchon, Christie, Cummings, Desaulniers, Franchère, Hall, Laterrière, Laurin, LeMoine, Macdonald of KINGSTON, Méthot, Meyers, Munro, Murney, Nelson, Powell, Price, Roblin, Rousseau, and Taché.--(25.)

NAYS.

Boulton, Cayley, Colville, DeBleury, Attorney General Draper, Duggan, Foster, Gowan, Johnston, LeBoutillier, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Papineau, Petrie, Riddell, Robinson, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Viger, Webster, and Williams.--(27.)

So it passed in the negative.

MR. CHAUVEAU,[76] moved that an address be present (sic) to His Excellency, for certain communications relative to the beaches of the River St. Charles.[77]

MR. AT. GEN. SMITH had no objection to the address, but to prevent unnecessary trouble and expense, he wished the hon. gentleman would mention what communications he desired, and the time when they were received.[78]

MR. AYLWIN would relieve the hon. gentleman from his anxiety, by stating that the communications they desired were received in 1844, 1845 and 1846. The District of Quebec had been badly treated both by the United Parliament and the Parliament of Lower Canada, for immense sums have been expended in other portions of the Province, while very little public money has ever been laid out in the District of Quebec. The River St. Charles is capable of being greatly improved, for the purpose of facilitating commerce. An address was voted last session, praying that His Excellency would order a survey of this river to be made by the Board of Works. He (Mr. A.) did not know whether the officers of this Board had attended to their duty in respect or not, as he had not seen the report of the Chairman.[79]

(160)

On motion of Mr. Chauveau, seconded by the Honourable Mr. Aylwin,

Address, Quebec Trinity House and Corporation.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence between the Executive Government of this Province and the Quebec Trinity House and the Corporation of the City of Quebec, concerning the Beaches of the River St. Charles, and of the Orders and Resolutions of the Council on that subject.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Toronto Hospital.

Resolved, That a Select Committee, composed of Mr. Monro, Mr. Williams, Mr. Price, Mr. Dickson, and Mr. Macdonell of Dundas, be appointed to enquire into the affairs of the Toronto Hospital Endowments, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Christie, seconded by Mr. LeBoutillier,

Instruction to a Committee.

Ordered, That it be an instruction to the Select Committee to which was referred the Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec, to Pilots and Pilotage in the Port of Quebec, and to the Quebec Decayed Pilot Fund, and for other purposes; to enquire into the expediency of re-uniting the Trinity Houses of Quebec and Montreal.

On motion of the Honourable Mr. Laterrière, seconded by Mr. Cauchon,

Further Instruction.

Ordered, That it be a further instruction to the said Committee to enquire whether it would not be expedient to establish a Navigation School at Quebec, wherein Pilots' Apprentices and Mariners of all classes might be gratuitously taught Mathematics and the use of Nautical Instruments

in the English and French languages; and to provide books, maps, and all other necessary means to demonstrate the theory and practice of that science: also, whether the vessel employed by the Quebec Trinity House in the service of Light Houses and Provision Depots at different places on the St. Lawrence might not, while engaged in that service, be placed at the disposal of the Professor of that School, conjointly with the Captain of the said vessel, for the purpose of demonstrating that science in practice and in theory, in order to instruct Pilots' Apprentices and other Students, and Mariners of all classes, in the art of Navigation; whether the Students, while gratuitously performing duty on board the said vessel, should not be fed and provided for, when on such service, at the expense of the Province or the Trinity House; also

to enquire into the costs of maintaining such an Institution, whether for the salary of the Professor, for the Instruction Room, Maps, Instruments, and the said Vessel.

"Universalists" Relief Bill. *Ordered, That Mr. Powell have leave to bring in a Bill to afford relief to the Religious Society denominating themselves "The Christian Universalist Association of Canada West."*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Williams, seconded by Mr. Petrie,

West Halton Election. *Ordered, That the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, have leave to adjourn until Tuesday the twenty-eighth day of April instant, at ten o'clock in the forenoon, in consequence of the contemplated absence of Mr. Chabot.*

Trafalgar Road Bill. *Mr. Scott, from the Committee of the whole House on the Bill to incorporate certain persons as "the Trafalgar, Esquesing, and Erin Road Company," reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be Engrossed.

Great Western Railroad Extension Bill. *Mr. Ermatinger from the Committee of the whole House, on the Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be Engrossed.

Militia Bill. *The Order of the Day for the House in Committee, on the Bill for the better regulation of the Militia of this Province, being read;*

The House accordingly resolved itself into the said Committee. Mr. Jessup took the Chair of the Committee,[80]

MR. AT. GEN. DRAPER, said that having spoken at some length on the second reading of the bill[81] he would not take up the time of the House in remarking upon a measure of the importance of which all were convinced.[82] He did not conceive it necessary to offer any further general observations but would confine himself to making such remarks on each clause as the discussion might call forth.[83] He would merely move the passing of the first clause.[84]

MR. MERRITT begged to call the attention of the Hon. Attorney-Gen-

eral to some parts of the Bill, which, according to his (Mr. Merritt's) ideas, required some amendment, and he would offer the remarks that occurred to him with the greater confidence[85], ((because)) he knew the object of the present measure was good[86], ((and)) because he was convinced that the Administration, and the House, could have no other desire than to pass a Bill that would render the Canadian Militia an effective Militia. In order to do so, he thought it would be well if the House would look back to the[87] old Militia system of Upper Canada[88], which was in operation during the last war, under the old law of 1808.[89] The Militia Bill of 1808 authorized two flank companies for each Regiment which could be called out by the Government at any time. Then when the Militia were required for active service the regiments were called on to volunteer and there was no instance of refusal.[90] This enabled the Captains to select the young and active men, and to send the old men home to attend to their farming. The Bill now before the House was founded on an entirely different principle, and he feared would never answer for the rural districts. He feared that, under its operation,[91] the first thing to be done was to draft and thus young men were liable to be taken from officers with whom they were acquainted[92], and placed under the authority of those of whom they knew nothing.[93] This, he feared, would cause very great dissatisfaction.[94] Under these circumstances, they would not like to be called out for drill, whereas if they were left to the officers whom they knew, they would never complain of being called together in battalions. At all events, it was well known that there had never been a more active Militia in the world than that which had turned out, of its own free will, in Canada, in 1812. He spoke more particularly of the Upper Canadian Militia, because it was with their services that he was best acquainted, though he had no doubt that they were fully equalled by the Lower Canadians. In twelve hours after war was proclaimed,[95] in July[96], every man was on the frontier, (hear, hear) and in twenty-four hours they were formed in battalions, and there were no complaints on any side. He feared that the present arrangement of the active and passive Militia would not give rise to the same satisfactory results.[97]

DR. TACHE.[98] - Monsieur le président. L'heure avancée de la nuit à laquelle le bill qui est actuellement devant nous a été lu pour la seconde fois, ainsi que le principe du bill, insusceptible (sic) de discussion, a été cause que personne n'a encore élevé la voix jusqu'ici sur son contenu.[99] There could be but one opinion in the House upon the Bill. No one could doubt the necessity for a militia law and no one could hesitate to use every exertion which would make it as perfect as possible. (Hear, hear.)[100] Une organisation de la police, pour ce qui regarde le Bas Canada au moins, est non-seulement nécessaire[101] comme moyen de résistance à l'agression étrangère[102], mais est encore indispensable pour l'exécution d'un nombre de statuts dont l'opération est confiée aux soins des officiers de la milice[103], ((for example)) certain Municipal laws.[104] Je sais qu'un grand nombre de mes compatriotes à toujours été opposé à une loi, que l'on croit devoir créer un immense patronage à l'exécutif, ce qui est vrai; mais d'un

autre côté n'est-il pas également vrai que la milice canadienne s'est en tout temps distinguée par l'indépendance de ses sentiments et de ses opinions? Le corps des officiers de la milice a constamment montré que s'il savait obéir à ses chefs, et remplir ponctuellement ses devoirs militaires, il n'en était pas moins disposé à revendiquer noblement ses droits de citoyen dans toutes les occasions.[105] (Loud cheers.)[106]

Mais si une bonne organisation de la milice est si nécessaire pourquoi le gouvernement a-t-il, depuis nos malheureux troubles de 1837 et 38, laissé tomber cette arme de la defense nationale?[107] The reason probably, was that it had looked on this arm of the national strength as more dangerous than useful; for it was aware that dissatisfactions had prevailed among his compatriots, and it had been too ready to believe - because a few hundreds of individuals[108], poussés au désespoir par des administrations flétries et condamnées par des premiers hommes d'Angleterre,[109] had risen ((in arms)) ... that they were not dissatisfied only, but rebellious.[110]

Loud cheers from the Opposition.[111]

DR. TACHE ((continued:)) If it thought that the mass was disaffected, it was deceived.[112] Quatre-vignt dix à cent mille hommes composant la milice canadienne étaient là et n'ont pas bougé[113]. He would say that the mass were the decendants (sic) of those, who, in 1812, had so nobly sustained the honour of Great Britain and their own. (Great applause.) The descendants of those men were not disaffected; on the contrary, they had continued in silence to suffer and to hope.[114]

Cheers from the Opposition.[115]

DR. TACHE ((resumed:)) If that had not been so[116], si la masse eût été entièrement dissaffectionnée, comme nos ennemis se sont plu charitablement à le publier,[117] - if the French Canadians had been willing to accept the offered sympathy of their republican neighbours, the consequences would have been incalculably disastrous. Far from doing so - they remembered the cause to which they had attached themselves in the moment of danger[118]. Il serait à désirer que le gouvernement voulût enfin, tout de bon, ouvrir les yeux et nous rendre justice; et oubliant, et notre origine et l'impatience de quelques-uns des nôtres, ne plus se ressouvenir que des services réels que nous lui avons rendus; ne plus se ressouvenir que de ces jours de gloire où nous avons combattu pour le maintien de ses possessions sur ce continent; que de ce jour mémorable où trois ou quatre cents hommes tous Canadiens-français depuis le commandant au dernier trompette se couvrirent d'une gloire immortelle en repoussant les efforts d'une colonne de plus de huit mille combattants, préservant par là le sol de la patrie de la souillure de la trace des pas de l'étranger.[119] (Continued applause.)[120] Ce que nos pères ont fait, ce que nous avons fait nous - autres pour la défense de cette colonie, nos enfants seraient encore prêts à le faire, si l'on voulait rendre justice au pays. Notre loyauté à nous n'est pas une loyauté de spéculation, de louis, schelings et deniers, nous ne l'avons pas constamment sur les lèvres, nous n'en faisons pas un trafic. Nous

sommes dans nos habitudes, par nos lois, par notre religion, comme l'a très-bien remarqué mon honorable ami pour la cité de Québec, monarchistes et conservateurs.[121] (Cheers.)[122] Tout ce que nous demandons c'est que justice nous soit faite; et si un ennemi se présente[123] à la frontière au moment du danger[124], vous verrez nos légers et joyeux bataillons, voler à sa rencontre comme à un jour de fête et présenter hardiment leurs poitrines au fer de l'assaillant.[125] (Cheers.) It was too much the habit, however, to caluminate these brave men - they were too often described as discontented and impracticable, and the public journals too often accused them of being disloyal and rebellious, while they claimed for the other race, exclusively, the contrary virtues.[126] Un membre qui n'est pas à sa place nous disait il y a quelques jours, vous êtes intraitables; vous êtes des rebelles, nous diront les ultra; nous possédons seuls la loyauté par excellence![127] He would say to such people, you deceive yourselves[128]. Mille et mille pardons messieurs, traitez-nous comme les enfants d'une même mère[129] que ceux d'autre origine;[130] - treat us like brethren, and not like bastards. (Loud cheers,) and be satisfied we will never forget our allegiance[131]. Un peu plus de justice égale, non dans les mots, mais dans les actes; et je réponds que si jamais ce pays cesse un jour d'être britannique, le dernier coup de canon tiré pour le maintien de la puissance anglaise en Amérique le sera par un brave Canadien.[132] (Loud appluase.)[133] Mais si tout le monde convient que la milice est nécessaire, je dois dire que pour rendre cette arme efficace et telle qu'elle doit être, un boulevart (sic) impénétrable contre l'agression étrangère, il est nécessaire de faire quelque chose pour le peuple, pour ce peuple qui souffre depuis si longtemps. Il faut que l'administration quelle qu'elle soit, agisse de manière à ce que l'on ne voie plus dans cette immense province du Canada, qu'une grande famille connue sous le nom de sujets britanniques, ayant dans chacun de ses membres, quelque soit son origine et sa croyance, les mêmes droits aux faveurs et à la protection[134] que leur doit un bon gouvernement.[135]

Maintenant, monsieur le président, je prendrai la liberté d'examiner quelques-uns des principaux traits du bill qui est actuellement devant vous. Ce bill n'est pas la propriété exclusive de son honorable moteur, ni n'intéresse pas exclusivement les honorables membres de l'autre côté de la chambre, non plus que la partie du peuple qui les a députés.[136] Party considerations of that kind could have no true place in the discussion of a law which so intimately concerned the entire people - the whole population of Canada.[137] Ce bill est notre propriété et nous intéresse tout autant qu'eux tous; et plus peut-être, nous qui sommes envoyés par la majorité du peuple de cette province; car lorsque le roulement du tambour aura fait l'appel aux armes, il n'y aura plus de côté droit ni de côté gauche, tous devront se lever à cet appel.[138] There should be no side when they marched to danger - there would be no side to which the glory would exclusively belong. (Hear, hear, and Cheers.)[139] L'objet donc est d'avoir un bon bill, le meilleur bill qu'il soit possible de faire[140] for the common good of all.[141] Mais je crains fort que celui qui est actuellement devant vous, M. Le président, puisse s'exécuter dans toute ses parties; dans le cas même où il serait exécutable, je ne suis pas certain que l'on puisse obtenir l'objet que

l'un a en vue. Je dirai d'abord que quatre jours d'exercice d'escouade, même avec des officiers instruits, me paraissent insuffisants pour préparer les divisions aux grandes manoeuvres; et pourquoi ces deux jours d'exercices de bataillons, si ce n'est pour cette fin?[142] Supposing it was possible to find enough experienced subalterns to put the companies through their manoeuvres, how would it be possible to acquire in six days any really valuable instructions in the business of a soldier? He asked whether six[143] days was sufficient to go through the necessary exercises[144] pour préparer les compagnies à se placer en ligne, à se former en colonne, en masse, à se déployer en grandes divisions, à se former en échelons, à marcher en bataille, à changer de front[145] and the rest of those other manoeuvres which were required for a field of battle? No, a month would not be too much for such a business, and though he believed that the young men of Canada possessed as great aptitude for military exercises as any in the world they could not be expected to do impossibilities.[146]

Mais la chose est absurde, et bien plus absurde encore si l'on considère que pas un homme sur mille n'est capable de faire prendre au milicien la simple attitude militaire; ces exercices ne feraient que vexer le peuple sans aucun résultat. On exige aussi, ce me semble, beaucoup plus des officiers, qu'il n'est raisonnable; on veut la formation d'un bureau régimental composé du Colonel, de l'adjudant et de tels autres officiers qu'il plaira au Colonel d'appointer. Ce bureau doit colporter son autorité dans chaque compagnie, faire comparaître les miliciens, ajouter ou retrancher tels noms qu'il trouvera convenables[147]; make rolls of the men fit for service in either the active or sedentary militia, and to ballot for the men required for service.[148] En sorte que deux[149] jours dans chaque localité auront le moins qu'il soit possible d'accorder; et supposons dix compagnies par Bataillon, nous aurons vingt jours de service, les frais de transport et les dépenses indispensables, sans aucune espèce d'indemnité. Les habitants du Bas-Canada sont incapables de supporter des dépenses; mais[150] it would be found to be a very heavy tax on the time of officers, and with the very best intentions in the world, the people of Lower Canada could not afford to lose their time - which was their money - without compensation.[151] Il peut néanmoins en être autrement pour les habitants du Haut-Canada, surtout si j'en juge par les millions qui ont été depensés dans cette partie de la Province où un assez grand nombre de spéculateurs, de contracteurs et de jobers (sic) ont dû passablement se garnir le gousset.[152] (Laughter) ... They could afford a little money; but it was not so in Lower Canada, and the consequences would be that the best officers would be absolutely obliged to send in their commissions, which would then fall into the hands of ill-qualified persons.[153] On statue aussi dans ce bill que les officier devront se pourvoir d'uniformes et d'épées, sous peine de se voir destitués, mais c'est trop exiger assurément. Je sais qu'un grand nombre de jeunes gens aimeraient beaucoup les uniformes[154]. They liked military glory, as he had himself when he was young (laughter,) but it was quite a different affair with the older ones.[155] Ils n'ont pas les moyens de faire ces dépenses.[156]

Another consideration he desired to submit was, the proposed system of classification. He conceived the present classification entirely insufficient because it did not separate the married men from the bachelors. That was a thing of the last importance[157].

Here MR. AT. GEN. DRAPER smiled.[158]

DR. TACHE saw the learned Atty.-General laugh, he fancied he was a bachelor himself (Laughter.) However, in 1812, he knew that there were many men, who, however willing, - and none were unwilling, - could not join the army, because of leaving their families without the means of subsistance (sic); now, by this Bill, all those persons would be obliged to go to the frontier, and to expose themselves to wounds and death without even the poor provision of a pension for their surviving families.[159] Si le père de famille est appelé sous le drapeau, il faudra la demi-ration à la femme, le quart de ration aux enfants, ou bien laisser ces êtres infortunés périr sans secours, éloignés de leur soutien et de leur protecteur.[160] He thought that without a clause to provide that classification, no Bill colld be considered effectual.[161] Ce bill ne pourvoit pas non plus aux pensions qu'il faudrait faire aux blessés, aux veuves et aux orphelins, ce qui est un grand manque.[162] He objected, also, to having so large a quota as one-half the men called out at the same time, and especially to the clause which required them to serve for five years. The last eactment (sic) was certainly one which could not have met with due consideration, - it was asking for more than could be fairly required, and he hoped that it would be reduced to eighteen months.[163] Dix-huit mois ou deux ans, en temps de guerre, me semblent le plus qu'il soit possible d'exiger des hommes les mieux disposés.[164] Five years was a period that all must admit was infinitely too long. He did not know whether the Hon. Attorney General desired to have the Bill, the whole Bill, and nothing but the Bill.[165]

MR. AT. GEN. DRAPER said, no[166].

DR. TACHE ((continued:)) Ce qui me paraît impraticable.[167] If that had been the case, he would have been very much discouraged; but as the Hon. Attorney-General said no, he should propose that the Bill be referred to a Select Committee[168] où il pourrait recevoir les nombreux amendements indispensables pour en faire un bon bill et un bill populaire.[169] He (Dr. T.) thought ((this)) would be fair, the most convenient mode of arranging the details.[170]

MR. AT. GEN. DRAPER would merely make a remark or two after the excellent speech of the member who had just sat down; he had gained something from that speech, and he thought that if the bill was thoroughly discussed, he would gain much more; he fully entered into the suggestion of the hon. member. He (Mr. D.) did not want the bill the whole bill, and nothing but the bill, he only wanted a good bill; he would be happy to receive any suggestions from members which would make the bill more perfect, and he would use all means in his power consistent with his situation in the House to get a good bill, and one that would be agreeable to all parties in the House, in order that it might be agreeable

to all parties in the country.[171]

MR. THOMPSON considered the present bill a good one, but thought that it might be improved by a reference to a select committee. He coincided with the remarks made in reference to the 6 day drill; it would he said, be a loss of time, and would lead to dissipation, without any[172] corresponding[173] advantage, for he believed that what they learned during the 6 days they would forget during the remainder of the year. It would be advisable in time of peace to have several battalions properly officered[174] and organised, in such a way that each officer would be able, on the shortest notice, to call together the men under his command. He bore testimony to the courage and efficiency of the Militia in the last war, when Canada had little foreign aid to depend on. The clause making officers reside in the limits of their command, might, in some cases be attended with good effects, but, in others, it would have an injurious operation[175]. He would like to have it amended by giving a discretionary power to the Governor to allow residence out of the district in certain cases. He said that five years service in time of war was too much, it would draw the men too much from their ordinary occupations, and unfit them to return to them.[176] A shorter period would be more advantageous to the interests of the country[177]. In his opiuion (sic), 9 or 10 months was sufficient[178]. Those who chose to remain a greater length of time in the service would not be prevented from doing so.[179] He could see no use of having more than one Adjutant, as he considered them mere organs of communication between the Governor and the Militia. The bill, however, might be so framed to provide for 3 in cases of war; the amount that would be required for the payment of[180] these officers would be better spent[181] in providing able and efficient drill sergeants.[182]

MR. LAFONTAINE ... expressed his pleasure at the concurrence of the Attorney General West; in the suggestion of his hon. friend, and his sincere desire to co-operate in any proceedings which would render the bill popular and effective.[183] He desired to have the Bill sent to a Select Committee, in order to have it passed in such a shape as would meet the views and wishes of all sides and parties - so, in fact, as to have the best possible law. (Cheers.) He would say, for his own side of the House, that they would be foremost in giving their co-operation to produce so desirable an object.[184]

MR. COM. CR. LANDS PAPINEAU ... desire((d)) ... in common with his colleagues, to promote any amendment to the bill that might be suggested by experienced persons on either side of the House.[185]

MR. R. MACDONALD (Cornwall) - This Bill appeared to him to be founded upon the Militia system of Prussia,[186] and some other countries in Europe[187], which had its Landwher Landscwheerein, or, in other words active and local bodies; this was the best arrangement, and though he could not speak from personal experience, yet Military authorities had allowed it to work well in the country,[188] ((and)) in Europe. He (Mr. McD.) agreed with the hon. member for Haldimand that the[189] superior[190] officers ought not to be obliged to reside in the

part of the country where the company is formed.[191] He believed, in the Eastern District, there was but one commanding officer who resided within the limits of his command; good subaltern((s)) might be found in these districts, but it would not be possible to fill their places with competent persons[192] in many of the back townships[193]. This restriction did not exist in the old law, and it had been found to work well; he therefore, thought, as far as this clause was concerned, it would be better to adopt the former system. He did not agree with the remarks relative to one Adjutant-General; it was impossible for one person to do all the business; it would be necessary for him to have assistants, and it would be of no importance whether they were called[194] head clerks, or deputy Adjutant Generals[195], as long as the country had not to pay more for their services. He considered that, in this respect, the present was an improvement on the old system.[196] Let it be as in the Secretary's Office. When you come to the salary, then you can see that they do not get too much.[197] Formerly there were two Adjutants-General, and each had his deputy; but now it was proposed to assimilate thie (sic) department to that of the Provincial Secretary, who had an Assistant for Canada East and another for Canada West, with but one head to the department.[198]

MR. ROBINSON had several objections to the bill.[199] ((He)) coincided in opinion with the previous Speakers in the matter of residence: if that clause were insisted on, men would be made commanding officers who were not fit to be corporals.[200] He (Mr. R.) agreed in what was said by hon. member((s)) for Lincoln and Haldimand.[201] He also thought five years' service too long; one-half of that time for the active militia would be long enough.[202] During the last war six months was the time that a militia man was obliged to serve and there was always plenty of volunteers. He (Mr. R.) remembered, though he was only a boy at the time that during part of that period there were no persons but women and children on their farms.[203] He considered it a mistake to enact that the local militia should not be marched out of the District; during the last war, it had been found necessary to march the whole force to Detroit, and cases of emergency might again arise; he thought it better to leave this in the discretion of the Governor-General. He would recommend to the consideration of the Government the organization of flank companies. This system had worked well during the late war, and it was with these and the few British troops at his command, that the gallant Brock achieved all his victories. He was prepared to give the Governor all the powers which the Bill conferred upon him.[204] ((Indeed he)) was willing to give the Governor General greater powers[205]. He was much pleased with the manner in which this measure had been met by the Hon. gentlemen opposite, the good spirit which they had evinced redounded to their credit. (Cheers.)[206] He (Mr. R.) was pleased with the remarks of the hon. member for Nicolet, and though he was an imperfect in French, he understood every word he (Mr. Taché) said, because he spoke feelingly and from the heart. He (Mr. R.) understood that the hon. member (Dr. Taché) had done good service during the last war. He was also pleased with the spirit in which the hon. member for

Terrebonne had spoken. Let us now endeavour to get a bill that will please all parties.[207]

MR. D. MACDONALD of Stormont. - As the measure before the House involved various considerations, and went to a total re-organization of the militia of the Province, it was one that ought to be viewed with the utmost caution. There are in this House several hon. members who had served during the late War with the United States of America. He begged to call to their remembrance the manner in which the flank Companies of 1812 were organized[208]. ((He)) was in favour of the organization of ((such)) Flank Companies, which, being at once properly drilled, would form the nucleus of a battalion; this system had been most advantageous in 1812.[209] He would therefore recommend it to the notice of the House.[210] He could not approve of men being taken to serve under any other than their own officers.[211] He was in favour of making it compulsory upon Commanding Officers to reside within the limits of their command, for nothing[212] was more revolting to the feelings of men than to be placed under the command of strangers.[213] The bill then before the Committee contemplated the drafting of the Militia for actual service.[214] He approved of the system of volunteering as less objectionable than the ballot; it would be better to endeavour to raise the requirements in this way at first, and, if it was not successful, then to resort to balloting, but he believed that the spirit of the people of Canada was such that no difficulty would be found in this.[215] They would volunteer their services when it is necessary for the defence of the country.[216] The incorporation of regiments in this manner, such as the Glengarry Fencibles, the Incorporated Battalions, &c., which were raised by enlistment last war, was the best system which could be adopted, - far better and more effective than calling out large bodies of Militia which would only lead to discontent.[217] Many other instances can be brought to prove that the voluntary system in this country was the best.[218] He would be against calling into active service any large number of any Militia regiment[219], not ... more than one-third of the nominal strength of each district; the quickness with which the seasons follow each other, and the short time allowed for farming operations, would not allow more to be spared at a time.[220] Half of any regiment taken from the ordinary pursuits of agriculture would eventually lead to discontent.[221] The measure then before the House will in his opinion require material alterations.[222]

MR. AT. GEN. DRAPER said, having heard the opinions of the House, he would now move that the Bill be referred to a Select Committee.[223]

MR. AYLWIN had only one objection to make which was, that it was absolutely necessary in any popular militia bill to do away with flogging. This subject has been discussed in the British Parliament, and popular feeling is decidedely (sic) opposed to it.[224] He did not see in this Bill a clause to prevent corporal punishment.[225]

Yes, it is in![226]

MR. AYLWIN. Then there were conflicting clauses, because one provided that the Militia should be subject to the Mutiny Act and Articles

of War.[227]

MR. BOULTON (laughing) said he was sorry to see the Honble. gentleman so afraid of being flogged. The Upper Canada Militia had no fear on the subject.[228]

MR. AT. GEN. DRAPER would, after the discussion that had taken place, and in order that he might act upon the suggestion of the hon. member for L'Islet, (Dr. Taché,) to refer the bill to a select committee, move that the committee rise, report progress, and ask leave to sit again.[229]

(161)

and after some time spent therein,
Mr. Speaker resumed the Chair;
And Mr. Jessup reported the Bill back to the House.

Militia Bill. *Resolved, That the said Bill be referred to a Select Committee, composed of the Honourable Mr. Attorney General Draper, the Honourable Mr. Attorney General Smith, the Honourable Mr. LaFontaine, Mr. Taché, Mr. Seymour, the Honourable Mr. Laterrière, and Mr. Riddell, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Penitentiary Bill. *The Order of the Day for the House in Committee, on the Bill to consolidate and amend the Laws relating to the Provincial Penitentiary, being read;*
The House accordingly resolved itself into the said Committee.
Mr. LeMoine took the Chair of the Committee,[230]

MR. AT. GEN. DRAPER would not take up the time of the House by explaining it further than he had done at the second reading. It consolidated all the laws on the Penitentiary.[231]

All the clauses were agreed to by the committee, without amendment, except one, to which a provision was added. That the Board of Directors should have power to make regulations for the purpose of admitting Ministers of all denominations at proper hours.[232]

(161)

and after some time spent therein,
Mr. Speaker resumed the Chair;
And Mr. LeMoine reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Forgery Bill. *The Order of the Day for the second reading of the Bill to amend the Law in cases of Forgery, being read;*
The said Bill was accordingly read, and ordered to be engrossed.

District Courts Bill (U.C.) *The Order of the Day for the House in Committee on the re-committed Bill to amend an Act passed dur-*

ing the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several laws now in force establishing or regulating the practice of District Courts, in the several Districts of that part of this Province formerly Upper Canada," being read;

The House accordingly resolved itself into the said Committee.

Mr. Rousseau took the Chair of the Committee,[233]

MR. AT. GEN. DRAPER moved the adoption of the several clauses[234].

After a few words of discussion, ((the clauses)) were carried.[235]

MR. DUGGAN moved that one of them be amended, by adding a proviso to it, rendering it necessary that all writs be served by the Sheriff, or by his deputy[236].

((This)) gave rise to a long discussion[237].

MESSRS. DUGGAN, BALDWIN, ROBLIN, G. MACDONELL, Dundas, and THOMPSON, spoke in favour of ... the amendment ... maintaining that the Sheriff ought to have the service of all writs; and that if other parties were allowed to serve writs, the Sheriffs would be unable to live by their office; and that then it would be impossible to get responsible men to fill office[238].

MESSRS. SMITH, of Frontenac, J. A. MACDONALD, of Kingston, and J. S. MACDONALD, of Glengarry, spoke against the amendment ... contending, that great inconvenience and delay would arise if the clause was adopted, as the Sheriff could not always be found in his office when wanted; that no harm could arise from allowing Plaintiffs to serve writs, but that it would be beneficial, as it would lessen the costs of the Defendant, as the Plaintiffs were not allowed to charge any thing for service; and that it would save persons from being obliged to travel great distances to get a Sheriff to serve a writ, as many parties were obliged to do now.[239]

The amendment being put to the vote, was carried.[240]

It was then moved that the Committee rise[241].

MR. SMITH, of Frontenac, moved that the said amendment be re-considered[242].

((This)) was carried.[243]

After further debate, the amendment being again put, was lost.[244]

(161)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Rousseau reported that the Committee had gone through the Bill without making any further amendment thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Orders post- *Ordered, That the remaining Orders of the Day be post-*

poned. *poned until Monday next.*

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by Mr. Dickson,

The House adjourned until Monday next.

APPENDIX, 24 APRIL 1846.

((NOTICE OF MOTION RE: ADDRESS TO HIS EXCELLENCY.))[245]

MR. AT. GEN. DRAPER announced his intention, on Monday, to move for an Address of Congratulation to His Excellency on his appointment as Governor General.[246]

((NOTICE OF MOTION RE: UPPER CANADA BILL TO REMOVE ATTAINDER.))[247]

MR. AT. GEN. DRAPER gave notice of his intention to introduce a Bill to remove the attainder of certain persons in Upper Canada.[248]

((NOTICE OF MOTION RE: CIVIL LIST.))

MR. INSP. GEN. CAYLEY laid on the table the Schedules for the Civil List, and gave notice of the Resolutions he should move in connection therewith, when the House went again into Committee of Supply.[249]

((NOTICE OF MOTION RE: DUTIES OF MASTER AND SERVANT.))

MR. AYLWIN gave notice of his intention to introduce a Bill to regulate the Duties of Master and Servant.[250]

((QUESTION AND ANSWER RE: THE RELIEF OF THE DEAF AND DUMB.))[251]

MR. R. MACDONALD of Cornwall ((asked a question.))[252]

MR. AT. GEN. DRAPER said, the relief of the Deaf and Dumb had not engaged the attention of the Government as no representation had been made to them as to the necessity of their extending relief to these unfortunate individuals.[253]

((QUESTION AND ANSWER RE: NAVIGATION OF WELLAND RIVER.))[254]

MR. THOMPSON enquired if it was the intention of government to do anything to improve the navigation of the Welland River.[255]

MR. AT. GEN. DRAPER said, that certainly government would not recommend the expenditure of another shilling for the improvement of navigation[256] in that region[257], until they knew what would be the total cost of the Welland Canal.[258]

((QUESTION AND ANSWER RE: CLAIM OF JEAN BAPTISTE MIVILLE DECHENE.))[259]

MR. LAURIN ((made)) an enquiry respecting J((ean)) B((aptiste)) Milville Dechene[260].

MR. AT. GEN. SMITH said ... the course that the hon. member for Lotbiniere has adopted, is not the proper one. The Government have decided against the claim of this gentleman, and if he feels aggrieved

by this decision, let him appeal to this House.[261]

((QUESTION AND ANSWER RE: JURY BILL.))

M. LAFONTAINE ... demandait si le gouvernement introduirait durant la présente session un "bill de jurés"[262].

MR. PRES. EX. COUN. VIGER a répondu ... que ce bill était entre les mains des imprimeurs.[263]

((POSTPONED MOTION RE: CORNWALL - L'ORIGINAL ROAD.))[264]

MR. R. MACDONALD of (Cornwall) - A sum of money was voted by the Legislature for the purpose of making a post road between Cornwall and L'Original. This sum has not been expended, and the road is in consequence in almost an impassable state. He (Mr. M'D) had seen the report of the chairman of the Board of Works, if his hon. friend (Mr. Aylwin) had not; and ((in)) this reports (sic) reasons are given why this road has not been improved. If the hon. member for the North Riding of York thought it consistent with his favourite subject, Responsible Government, he wished to refer this portion of the report of the Board of Works to a select committee of all the M'Donald's in the House - (laughter.)[265]

MR. AT. GEN. DRAPER ((requested that the motion be postponed for a week)).[266]

The motion was postponed for a week.[267]

FOOTNOTES - 24 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts; and PILOT, 25 April 1846. There is a commentary in EXAMINER, 6 May 1846.
2. MIRROR, 24 April 1846.
3. IBID.
4. IBID.
5. IBID. According to PILOT, 25 April 1846, Aylwin made "a most able speech."
6. MIRROR, 24 April 1846.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID. The MIRROR mistakenly reported the division on Gowan's amendment as having been put at this point.
33. MIRROR, 24 April 1846.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. The following exchange was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts; and LA MINERVE,

27 April 1846.
43. LA MINERVE, 27 April 1846.
44. MIRROR, 24 April 1846.
45. IBID. According to the MIRROR, Moffatt spoke "warmly".
46. LA MINERVE, 27 April 1846, observed: "ce qui fit pousser un éclat de rire des deux côtés de la chambre."
47. LE JOURNAL DE QUEBEC, 5 May 1846, reported that it was Chauveau who presented the report.
48. The debate on this motion was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846 in identical accounts; and BRITISH COLONIST, 8 May 1846.
49. BRITISH COLONIST, 8 May 1846.
50. MIRROR, 24 April 1846.
51. BRITISH COLONIST, 8 May 1846.
52. MIRROR, 24 April 1846.
53. BRITISH COLONIST, 8 May 1846.
54. MIRROR, 24 April 1846.
55. IBID.
56. BRITISH COLONIST, 8 May 1846.
57. MIRROR, 24 April 1846.
58. BRITISH COLONIST, 8 May 1846.
59. MIRROR, 24 April 1846.
60. IBID.
61. IBID.
62. IBID.
63. BRITISH COLONIST, 8 May 1846.
64. MIRROR, 24 April 1846.
65. BRITISH COLONIST, 8 May 1846.
66. MIRROR, 24 April 1846.
67. BRITISH COLONIST, 8 May 1846.
68. IBID.
69. IBID.
70. MIRROR, 24 April 1846.
71. BRITISH COLONIST, 8 May 1846. MIRROR, 24 April 1846, quoted the sum as £3000.
72. MIRROR, 24 April 1846.
73. BRITISH COLONIST, 8 May 1846.
74. MIRROR, 24 April 1846.
75. IBID.
76. The debate on this motion was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts; and LE JOURNAL DE QUEBEC, 28 April 1846. According to LE JOURNAL DE QUEBEC, 28 April 1846, the motion was made by Chabot.
77. MIRROR, 24 April 1846.
78. IBID.
79. IBID.
80. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 28 April 1846; L'AURORE, 29 April 1846; LA MINERVE, 27 April 1846, and LE JOURNAL DE QUEBEC, 5 May 1846, in identical accounts; MONTREAL GAZETTE, 27 April 1846, KINGSTON NEWS, 30 April 1846, BRITISH

COLONIST, 8 May 1846, and ST. CATHARINES JOURNAL, 7 May 1846, in accounts which are identical except that in the BRITISH COLONIST and the ST. CATHARINES JOURNAL some speeches have been omitted entirely and the BRITISH COLONIST's report is somewhat abbreviated; and MIRROR, 24 April 1846, PILOT, 28 April 1846, BROCKVILLE RECORDER, 7 May 1846, and BATHURST COURIER, 5 May 1846, in accounts which are identical except that in BATHURST COURIER some speeches have been omitted entirely. PILOT, 25 April 1846, merely noted the debate. Dr. Taché's speech was reported identically by MIRROR, 24 April 1846, and MONTREAL GAZETTE, 27 April 1846. According to MIRROR, 24 April 1846, Lemoine took the Chair of the Committee. PILOT, 28 April 1846, commented that "the best possible spirit was maintained 'toward the Bill' on both sides of the House."

81. MIRROR, 24 April 1846.
82. MONTREAL GAZETTE, 27 April 1846.
83. MIRROR, 24 April 1846.
84. MONTREAL GAZETTE, 27 April 1846.
85. IBID.
86. MIRROR, 24 April 1846.
87. MONTREAL GAZETTE, 27 April 1846.
88. MIRROR, 24 April 1846.
89. MONTREAL GAZETTE, 27 April 1846.
90. MIRROR, 24 April 1846.
91. MONTREAL GAZETTE, 27 April 1846.
92. MIRROR, 24 April 1846.
93. MONTREAL GAZETTE, 27 April 1846.
94. MIRROR, 24 April 1846.
95. MONTREAL GAZETTE, 27 April 1846.
96. MIRROR, 24 April 1846.
97. MONTREAL GAZETTE, 27 April 1846.
98. LA MINERVE, 27 April 1846. Taché's speech elicited widespread editorial praise from the newspapers. PILOT, 25 April 1846, commented: "Doctor Taché made the crack speech which was received with the most marked applause by all parties." LE JOURNAL DE QUEBEC, 28 April 1846, observed: "M. Taché ... a prononcé un de ces discours électriques, au moyen desquels cet homme de talent et de coeur est toujours certain de produire chez tous l'admiration et l'enthousiasme. Les nobles sentiments qu'il a exprimés ont eu de l'écho dans tous les coeurs, la chambre y a applaudi d'un commun accord." L'AURORE, 29 April 1846, lauded Taché's performance as follows: "Il n'a pas seulement déployé des connaissances positives autant qu'exactes sur cette matière, son discours respirait des sentimens nobles et véritablement patriotiques. Aussi nous devons dire qu'on l'a de toutes parts écouté d'une manière attentive et qu'il a reçu de même l'applaudissement justement mérité des deux côtés de la chambre; que tous enfin ont été frappé de la justesse de ses remarques. A la suite de ce discours il s'est formé pour ainsi dire une fusion des partis de toutes les nuances, et l'on s'est réuni de concert pour prendre les moyens de s'éclairer mutuellement pour modifier le bill de manière à

mettre d'accord toutes les affections, comme les intérêts. Nous croyons devoir ajouter que le discours du Dr. Taché réunissait l'élégance à l'énergie."

99. LA MINERVE, 27 April 1846.
100. MIRROR, 24 April 1846.
101. LA MINERVE, 27 April 1846.
102. L'AURORE, 29 April 1846.
103. LA MINERVE, 27 April 1846.
104. MIRROR, 24 April 1846.
105. LA MINERVE, 27 April 1846.
106. MIRROR, 24 April 1846.
107. LA MINERVE, 27 April 1846.
108. MIRROR, 24 April 1846.
109. LA MINERVE, 27 April 1846.
110. MIRROR, 24 April 1846.
111. IBID.
112. IBID.
113. LA MINERVE, 27 April 1846.
114. MIRROR, 24 April 1846.
115. IBID.
116. IBID.
117. LA MINERVE, 27 April 1846.
118. MIRROR, 24 April 1846.
119. LA MINERVE, 27 April 1846.
120. MIRROR, 24 April 1846.
121. LA MINERVE, 27 April 1846.
122. MIRROR, 24 April 1846.
123. LA MINERVE, 27 April 1846.
124. L'AURORE, 29 April 1846.
125. LA MINERVE, 27 April 1846.
126. MIRROR, 24 April 1846.
127. LA MINERVE, 27 April 1846.
128. MIRROR, 24 April 1846.
129. LA MINERVE, 27 April 1846.
130. L'AURORE, 29 April 1846.
131. MIRROR, 24 April 1846.
132. LA MINERVE, 27 April 1846.
133. MIRROR, 24 April 1846.
134. LA MINERVE, 27 April 1846.
135. L'AURORE, 29 April 1846.
136. LA MINERVE, 27 April 1846.
137. MIRROR, 24 April 1846.
138. LA MINERVE, 27 April 1846.
139. MIRROR, 24 April 1846.
140. LA MINERVE, 27 April 1846.
141. MIRROR, 24 April 1846.
142. LA MINERVE, 27 April 1846.
143. MIRROR, 24 April 1846. LA MINERVE, 27 April 1846, referred to "quatre jours."
144. MIRROR, 24 April 1846.
145. LA MINERVE, 27 April 1846.

146. MIRROR, 24 April 1846.
147. LA MINERVE, 27 April 1846.
148. MIRROR, 24 April 1846.
149. LA MINERVE, 27 April 1846. MIRROR, 24 April 1846, reported "3 days devoted to each company."
150. LA MINERVE, 27 April 1846.
151. MIRROR, 24 April 1846.
152. LA MINERVE, 27 April 1846.
153. MIRROR, 24 April 1846.
154. LA MINERVE, 27 April 1846.
155. MIRROR, 24 April 1846.
156. LA MINERVE, 27 April 1846.
157. MIRROR, 24 April 1846.
158. IBID.
159. IBID.
160. LA MINERVE, 27 April 1846.
161. MIRROR, 24 April 1846.
162. LA MINERVE, 27 April 1846.
163. MIRROR, 24 April 1846.
164. LA MINERVE, 27 April 1846.
165. MIRROR, 24 April 1846.
166. IBID.
167. LA MINERVE, 27 April 1846.
168. MIRROR, 24 April 1846.
169. LA MINERVE, 27 April 1846.
170. MIRROR, 24 April 1846.
171. IBID.
172. IBID.
173. MONTREAL GAZETTE, 27 April 1846.
174. MIRROR, 24 April 1846.
175. MONTREAL GAZETTE, 27 April 1846.
176. MIRROR, 24 April 1846.
177. MONTREAL GAZETTE, 27 April 1846.
178. MIRROR, 24 April 1846.
179. MONTREAL GAZETTE, 27 April 1846.
180. MIRROR, 24 April 1846.
181. MONTREAL GAZETTE, 27 April 1846.
182. MIRROR, 24 April 1846.
183. IBID. The MONTREAL GAZETTE, 27 April 1846, noted: "MR. LAFONTAINE was not very distinctly heard in the gallery."
184. MONTREAL GAZETTE, 27 April 1846.
185. IBID. The MONTREAL GAZETTE noted: "MR. PAPINEAU was hardly heard in the gallery."
186. MONTREAL GAZETTE, 27 April 1846.
187. MIRROR, 24 April 1846.
188. MONTREAL GAZETTE, 27 April 1846.
189. MIRROR, 24 April 1846.
190. MONTREAL GAZETTE, 27 April 1846.
191. MIRROR, 24 April 1846.
192. MONTREAL GAZETTE, 27 April 1846.

193. MIRROR, 24 April 1846.
194. MONTREAL GAZETTE, 27 April 1846.
195. MIRROR, 24 April 1846.
196. MONTREAL GAZETTE, 27 April 1846.
197. MIRROR, 24 April 1846.
198. MONTREAL GAZETTE, 27 April 1846.
199. MIRROR, 24 April 1846.
200. MONTREAL GAZETTE, 27 April 1846.
201. MIRROR, 24 April 1846.
202. MONTREAL GAZETTE, 27 April 1846.
203. MIRROR, 24 April 1846.
204. MONTREAL GAZETTE, 27 April 1846.
205. MIRROR, 24 April 1846.
206. MONTREAL GAZETTE, 27 April 1846.
207. MIRROR, 24 April 1846.
208. IBID.
209. MONTREAL GAZETTE, 27 April 1846.
210. MIRROR, 24 April 1846.
211. IBID.
212. MONTREAL GAZETTE, 27 April 1846.
213. MIRROR, 24 April 1846.
214. IBID.
215. MONTREAL GAZETTE, 27 April 1846.
216. MIRROR, 24 April 1846.
217. MONTREAL GAZETTE, 27 April 1846.
218. MIRROR, 24 April 1846.
219. IBID.
220. MONTREAL GAZETTE, 27 April 1846.
221. MIRROR, 24 April 1846.
222. IBID.
223. MONTREAL GAZETTE, 27 April 1846.
224. MIRROR, 24 April 1846.
225. MONTREAL GAZETTE, 27 April 1846.
226. IBID.
227. IBID.
228. IBID.
229. MIRROR, 24 April 1846.
230. The following debate was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts.
231. MIRROR, 24 April 1846.
232. IBID.
233. The debate on this matter was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts.
234. MIRROR, 24 April 1846.
235. IBID.
236. IBID.
237. IBID.
238. IBID.
239. IBID.
240. IBID.

241. IBID.
242. IBID.
243. IBID.
244. IBID.
245. The following was reported by: MONTREAL GAZETTE, 27 April 1846, and BRITISH COLONIST, 8 May 1846, in identical accounts.
246. MONTREAL GAZETTE, 27 April 1846.
247. The debate on this matter was reported by: MONTREAL GAZETTE, 27 April 1846, and BRITISH COLONIST, 8 May 1846, in identical accounts.
248. MONTREAL GAZETTE, 27 April 1846.
249. IBID.
250. IBID.
251. The debate on this matter was reported by: BRITISH COLONIST, 8 May; and MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts.
252. MIRROR, 24 April 1846.
253. IBID.
254. The debate on this matter was reported by: BRITISH COLONIST, 8 May 1846; and MIRROR, 24 April 1846, and PILOT, 28 April, in identical accounts.
255. BRITISH COLONIST, 8 May 1846.
256. IBID.
257. MIRROR, 24 April 1846.
258. BRITISH COLONIST, 8 May 1846.
259. The debate on this matter was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts.
260. MIRROR, 24 April 1846.
261. IBID.
262. LE JOURNAL DE QUEBEC, 28 April 1846.
263. IBID.
264. The debate on this matter was reported by: MIRROR, 24 April 1846, and PILOT, 28 April 1846, in identical accounts.
265. MIRROR, 24 April 1846.
266. IBID.
267. IBID.

MONDAY, 27 APRIL 1846.[1]

(161)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Attorney General Draper,--The Petition of John Wilson, of London, in the District of London.

By Mr. Powell,--The Petition of Joseph Culver and others, of the Township of Woodhouse, in the District of Talbot.

By Mr. Jessup,--The Petition of the Reverend Robert Boyd and others, inhabitants of the Town of Prescott and vicinity; and the Petition of Joseph Leeming and others, of Oxford and other Townships, in the District of Johnstown.

(162)

By the Honourable Mr. Robinson,--The Petition of William Dixon, a Messenger to the Legislative Assembly.

By Mr. Boulton,--The Petition of the Reverend G. M. Armstrong and others, members of the United Church of England and Ireland, in the Township of Louth, in the District of Niagara; the Petition of John Watson and others, Distillers, of the City of Toronto; the Petition of the Reverend William M'Murray and others, of the Village and Township of Ancaster (relating to Education); and the Petition of the Reverend William M'Murray and others, of the Village and Township of Ancaster, in the District of Gore (relating to King's College).

By Mr. Hall,--The Petition of Archibald M'Fadyen and others, of the Township of Eldon, in the District of Colborne.

By Mr. Price,--The Petition of Newton Bosworth and others, members of the Baptist Church in Paris.

By Mr. Ermatinger,--The Petition of John Taylor and others, members of the United Church of England and Ireland, in the Townships of Adelaide and Metcalfe, in the Diocese of Toronto.

By the Honourable Mr. LaFontaine,--The Petition of Alexis Laframboise, Esquire, and others, of the City of Montreal.

By the Honourable Mr. Baldwin,--The Petition of John Reid and others, students of the Toronto Medical School.

By the Honourable Mr. Aylwin,--The Petition of Hypolite Dubord, Esquire, and others, Ship Builders, Carpenters, and others, of the City of Quebec, interested and engaged in the building and construction of Ships.

By Mr. Scott,--The Petition of John Earle and others, of the Parish of Ste. Scholastique, in the County of Two Mountains.

Montreal Agricultural Society Petition.

A Petition of the Honourable A. N. Morin, Vice President of the Agricultural Society of the County of Montreal, was presented by Mr. Scott, setting forth:--

That the said Society has acted as the District Society for the District of Montreal, for the year one thousand eight

hundred and forty-five. That there has remained in the hands of the Treasurer a balance of Seventy-four Pounds Five Shillings, currency, upon the allowance to the District Society, which the said Society intended to apply in the present year to the purchase of two useful implements, called Hussey's Reaping Machine, being then unaware that the time in which they were authorized to employ such balance had expired since February last. That a remedial provision By-law, to cover the said difficulty, in enabling the Society to promote the useful object they had in view, would cause injury to none, as the Society coming next, as the District Society, would obtain from the Public Funds the sum allowed for the current year; and praying the House to take the said Petition into favourable consideration, and grant to the Agricultural Society for the County of Montreal the relief prayed for.

On motion of Mr. Scott, seconded by the Honourable Mr. LaFontaine,

Ordered, That the said Petition be now read, and that the Rule of this House, of the Twenty-eighth of June, 1841, be suspended, as to the present Petition.

The said Petition was read accordingly.

Trafalgar Road Bill. An Engrossed Bill, to incorporate certain persons as "the Trafalgar, Esquesing, and Erin Road Company," was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chalmers do carry the said Bill to the Legislative Council, and desire their concurrence.

Forgery Bill. An Engrossed Bill, to amend the Law in cases of Forgery, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Taschereau do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of M. Scott and others, of the Parish of St. Nicholas; praying for the establishment of a Registry Office in the Parish of St. Joseph de la Pointe Levi.

Of H. W. Barwick and others, of the District of Brock; praying for the removal of the Registry Office of the said District of Woodstock, and that suitable provision be made for its being kept there.

Of Taylor Little and others, of the Township of Hatley, in the County of Stanstead; praying that they may be relieved from the payment of Rents in arrear and Interest, due by them on Clergy Reserve Lands which they occupy.

Of Daniel M'Nab, Esquire, and others, of the Town of Hamilton, in the District of Gore; praying that the University of King's College may be emancipated from all sectarian influence.

Of Edward Malloch, Esquire; praying for an investigation into cer-

tain complaints against the Ordnance Department at Bytown.

Of Milo M'Cargar, Esquire, and others, of South Gower; praying that Mr. Jones' Survey of a certain Road from Prescott, may not be adopted without further investigation.

Of Hyacinthe St. Germain and others, of the Parish of St. Eustache; praying that the late Survey of a Road through the said Parish and St. Martins may be adhered to, and that the said Road be made without delay.

Of James Donahoo, of the Township of Marlborough, in the District of Dalhousie; praying for remuneration in consideration of injuries sustained by him in his health during the late Rebellion.

Of James Seelye, of the Township of Elizabethtown, in the County of Leeds; praying to be placed on the Militia Pension List.

Of L. Esdras Manseault, Esquire, Mayor, and others, the Municipal Councillors of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska; praying for amendments to the Sleigh Ordinance.

Of Michel Honoré St. Jorre, of the Parish of Rivière Ouelle; praying that certain arrears due to him by the Municipal Council of Kamouraska be paid to him.

Of Cyprien LeBel, Esquire, and F. H. Pinet, on behalf of the Municipal Council of the Parish of St. Louis de Kamouraska; praying for the establishment of a Court of Justice in the said Parish.

Of Cyprien LeBel, Esquire, and F. H. Pinet, on behalf of the Municipal Council of the Parish of St. Louis de Kamouraska; praying that an aid be granted them to make a Road from the said Parish to the River St. John.

Of Charles Chapais, Esquire, Mayor, on behalf of the Municipal Council of St. Denis de la Bouteillerie; praying for aid to finish a Road commenced by them.

Of Richard Somerville and others, members of the United Church of England and Ireland, in the Diocese of Quebec; of the Reverend N. Guerout and others, members of the United Church of England and Ireland, in the Diocese of Quebec; and of the Reverend Robert Knight and others, members of the United Church of England and Ireland, in the Diocese of Quebec; praying that measures may be adopted for vesting in the Church Society of the Diocese of Quebec, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall cor-

(163)

respond with their share of the income arising from the same.

Of William Barrett and R. A. Symms, Esquires, on behalf of the Commissioners of Common Schools for the Township of Hemmingford, in the County of Beauharnois; praying for certain amendments to the Common School Act.

Of Charles Allen and others, of Shefford, in the County of Shefford; and of the Reverend David Connell and others, of the Township of Dunham, in the County of Missisquoi; praying that the Clergy Reserve Lands may be sold, and their proceeds disposed of as the Legislature may deem fit.

Of Thomas William Lloyd, Esquire, and others, inhabitants and mer-

chants of the City of Quebec; praying that certain alterations in the Duties of Customs, asked for by the Petition of the Board of Trade of Quebec, may not be granted.

Of John Adams and others, of the Township of Pickering, in the Home District; praying that no partition be made of the endowment of King's College, but that it be secured from mismanagement, and that certain alterations be made in the Charter of the said College.

Of Charles Matthews and others, of the Township of Pickering, in the Home District; praying that no division be made of the Clergy Reserve Lands, but that measures may be adopted to have them placed under the control of the Legislature, for the support of General Education.

Of the Right Reverend the Lord Bishop of Toronto and others, the Trustees, managing Committee, and others, interested in the House of Industry, in the City of Toronto; praying for aid to enlarge and carry on the said Institution.

Of Thomas Percival and others, members of the United Church of England and Ireland, in the Township of Elizabethtown, in the District of Johnstown; praying that the said Church may have the control of its share of the Common School Funds.

Of Richard Percival and others, members of the United Church of England and Ireland, in the District of Johnstown; and of James Scott and others, of Orillia and Medonte, in the District of Simcoe; praying that no Act may be passed to destroy the religious character and invade the chartered rights of the University of King's College.

Of the Reverend Michael Harris, A.M., Rector, and others, the Wardens of St. James' Church, in Perth; praying that a certain piece of Road in the said Town, asked for by the Reverend Mr. M'Donagh, for the erection of a Roman Catholic Church, may not be granted.

Of Bemon P. Warner and others, of the Township of Dunham, in the County of Missisquoi; praying that all denominations of Christians may have their just share in the management of King's College; and that all public grants be withheld from McGill College, unless it be placed upon the same footing.

Of George S. Cotter and others, members of the United Church of England and Ireland, in the Mission of New Market, in the Home District; of the Reverend J. Gunne and others, members of the United Church of England and Ireland, in Dawn and other Townships, in the Diocese of Toronto; of the Reverend Richard Flood and others, members of the United Church of England and Ireland, in Delaware and Caradoc, in the Diocese of Toronto; and of the Reverend James Mockridge and others, members of the United Church of England and Ireland, in the Township of Warwick, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clergy Reserve Lands as shall correspond with their share of the income arising from the same.

Of Thomas Augustus Haines, Junior, on behalf of the members of the Baptist Church at London, in the County of Middlesex; and of the Reverend Dugald Sinclair, on behalf of the members of the Baptist Church

at Lobo, in the County of Middlesex; praying that the Imperial Act for the disposal of the Clergy Reserve Lands may not be interfered with.

Of Edouard Dugré and others, of the Parish of St. Michel d'Yamaska; praying that the Sleigh Ordinances be repealed.

Of the Reverend François P. Porlier and others, of Terrebonne; praying that the Registry Office may be kept at the Village of Terrebonne, where it now is.

Of Narcisse Duchesnay, Esquire, and others, of Ste. Marie and other Parishes in the District of Quebec; calling the attention of the House to the Municipal and Education Laws, and praying that some indemnity be granted to Jurors for their services.

Of Aaron Overholt and others, of the Township of Rainham, in the District of Talbot; praying that the Clergy Reserve Lands may not be placed under the control of any Religious Society, but that they be sold and disposed of as the Legislature may deem fit.

Of Thomas G. Ridout, Esquire, and others, officers and members of the Toronto Mechanics' Institute; praying for a grant to enable them to liquidate a debt incurred for building.

Petitions Referred:--

Sir Allan N. MacNab, et al. — Ordered, That the Petition of Sir Allan N. MacNab and others, in behalf of the inhabitants of the Town of Hamilton, be referred to the Standing Committee on Private Bills.

David Gibbs, A.M., et al. — Ordered, That the Petition of the Reverend David Gibbs, A.M., and others, of Granby, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

T. Little, et al. — Resolved, That the Petition of Taylor Little and others, of the Township of Hatley, in the County of Stanstead, be referred to a Select Committee, composed of Mr. M'Connell, Mr. Gowan, Mr. Hale, Mr. Brooks, and Mr. Lantier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

G. Shaw. — Resolved, That the Petition of George Shaw, of the City of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Robinson, Mr. Duggan, and Mr. Macdonell of Stormont, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

M. Scott, et al. — Ordered, That the Petition of M. Scott and others, of the Parish of St. Nicholas, be referred to the Select Committee to which was referred the Petition of F. H. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Levi, and other Parishes, in the County of Dorchester.

J. H. Culp. — Resolved, That the Petition of J. H. Culp, of the

Township of Stamford, in the District of Niagara, be referred to a Select Committee, composed of Mr. Cummings, Mr. Merritt, Mr. Macdonell of Stormont, Mr. Seymour, and Mr. Powell, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

(164)

On motion of the Honourable Mr. DeBleury, seconded by Mr. Jobin,

Committee dissolved. Ordered, That the Select Committee to which was referred the Petition of N. B. Desmarteau and others, of Montreal, be dissolved; and that the said Petition be referred to the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other references.

Montreal Agricultural Society. Ordered, That the Petition of the Honourable A. N. Morin, Vice President of the Agricultural Society for the County of Montreal, be referred to the Select Committee to which was referred the Petition of the Reverend J. Paquin and others, of the County of Two Mountains.

J. M. Quimby, et al. Ordered, That the Petition of John M. Quimby and others, of a part of the Township of Stanstead, be referred to the Select Committee to which was referred the Petition of Taylor Little and others, of the Township of Hatley, in the County of Stanstead.

Sister Forbes, et al. Ordered, That the Petition of Sister E. Forbes dite M'Mullen, Superior, and other Ladies, the Religious the Sisters of Charity of the General Hospital of Montreal, (Soeurs Grises), be referred to the Standing Committee on Private Bills.

Despatch on subject of Duties on Grain. The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Copy of a Despatch from the Right Honourable W. E. Gladstone, on the subject of duties on Wheat, Flour, or other Grain.

(Copy.)

No. 48.

DOWNING STREET,
1st April, 1846.

MY LORD,

I have received Your Lordship's Despatch, No. 19, of the 25th February last, in which you enclose a Memorial from the Board of Trade at Montreal, praying that, in consideration of the injury which the Memorialists apprehend from the anticipated change in the Corn Law of this Country, Her Majesty's Government would recommend the repeal of the Provincial Act imposing a local duty of 3s. per quarter on Foreign

Flour brought into the Province may be repealed, and that Grain Flour and Meal, of whatever origin, may be introduced from Canada into the United Kingdom free of duty.

1. The Despatches noted in the margin, which I have had occasion to address to Your Lordship on the subject of the Trade of Canada, will have already explained the views which, in common with my colleagues, I entertain, with respect to the apprehensions of the Board of Trade of Montreal or of other parties similarly situated, as to the effect in Canada of the alteration of the English Corn Law, if it be passed in conformity with the views of Her Majesty's Government. But as it is necessary that I should return a distinct answer to the Memorial which is now before me, I have to instruct Your Lordship to acquaint the Memorialists that, if Parliament shall adopt the changes in the Corn Law of this Country which have been submitted to their deliberation, Her Majesty's Government will regard the local duty of 3s. on Corn as an exclusively Provincial Question, and if the Legislature of Canada shall think it expedient to pass an Act for the repeal of that duty, Her Majesty will not be advised to disallow the measure.

No. 19, of 3rd February.
No. 32, of 3rd March.

2. You will state to the Memorialists that, according to the view of Her Majesty's Government, any proposal to alter the Imperial duty on Flour imported into Canada should follow and be dependent on, but should not precede the abrogation of the 3s. duty.

3. That with respect to their application for the free introduction into this Country of Grain, Flour and Meal, of whatever origin, Her Majesty's Government regret that they do not think it entirely compatible with the spirit of the Commercial Treaties between this Country and other Powers, to revive the system which once prevailed, of allowing the introduction of Goods from Colonies at Colonial duties with reference, not to their origin, but solely to their place of Export.

I have, &c.
(Signed) W. E. GLADSTONE.

Lieutenant-General
The Earl Cathcart, K.C.B.,
&c. &c. &c.

Printed. Ordered, That five hundred copies of the said Despatch be printed for the use of the Members of this House.

Middlesex Election. Mr. Dickson, Chairman of the Select Committee, to which was referred the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex in this present Parliament, reported[2] to the House the following Resolutions:--

1. Resolved, That the mode of proceeding on the part of the Commissioners appointed to take evidence in the matter of the Controverted Election for the County of Middlesex, in adjourning several months, on different occasions, without any reason as-

signed, was illegal.

2. Resolved, That the evidence taken under the Commission so illegally executed, cannot be received or read as evidence.
3. Resolved, That the Chairman do communicate the foregoing Resolutions to the House.

West Halton Election. Mr. Williams, from the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, reported to the House, that pursuant to adjournment, the Committee met on Saturday last, at ten o'clock, A.M., and that Mr. Chabot, one of the Members of the Committee, was not present at the meeting, from the cause as the Committee suppose of his having obtained leave of absence from the House.

Notarial Profession Bill, (L. C.) Mr. Laurin, from the Select Committee to which was referred the Bill for the better regulation of the Notarial Profession in Lower Canada, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House on Wednesday next.

Grand River Floods. Mr. Thompson, from the Select Committee to which was referred the Petition of Robert H. Bruce, Esquire, and others, inhabitants residing on the Grand River, in the County of Haldimand, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. Your Committee have taken the purport of the said Petition into consideration, whereby it is manifest that the Roads on each side of the Grand River from Dunville to Cayuga have, by reason of the Dunville dam, raising the water, and swelling the rivulets, crossing the said Roads to so great a width, that it

(165)

places the maintaining of the said public highways out of the power of the inhabitants by statute labour and otherwise, that on the north side of the said River the creeks are from the above causes widened as follows:--

	Original Width.	Present Width.
Thompson's Creek	20 feet	250 feet.
Dockstoda's "	20 "	200 "
Farr's "	20 "	330 "
Lymburner's "	0 "	60 "
Lummis' "	80 "	250 "
Vaudeburg's "	15 "	200 "
Norton's "	15 "	250 "
Tunis' "	12 "	100 "

On the south side of the said River.	Original Width.	Present Width.
Fisher's Creek	8 feet	110 feet.
Dick's "	10 "	210 "
Bursis' "	8 "	200 "
Auker's "	8 "	240 "
Cook's "	6 "	20 "
Holms' "	12 "	100 "
	234 to	2500 feet.

Being an increase of 9½ feet to 1 foot, thereby making it manifest to your Committee, the justice of the claim of the Petitioners, that the Government should permanently reduce in width the said several creeks to their original span at the crossing of the said Roads.

Your Committee are of opinion that it may be remedied by Embankment for a reasonable outlay.

Your Committee are bound to conceive, that in as much as the canal is public property, the expense of the remedy proposed should be chargeable and paid from the public funds of the Province.

They therefore beg to recommend that an Address be presented to His Excellency the Governor General, requesting that he will direct the proper officer under the Board of Works to immediately cause the necessary work to be done, to remove the just complaint of the Petitioners.

Dumfries Road. *Mr. Webster, from the Select Committee to which was referred the Petition of James K. Andrews and others, inhabitants of the Township of Dumfries, in the District of Gore, and another reference, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Report. *Your Committee have taken into their consideration the prayers of the Petitions referred to them, and after due deliberation have unanimously agreed to recommend to the favourable consideration of your Honourable House, the prayer of the Petition of J. K. Andrews and others, as it appears a public benefit will be thereby gained to the inhabitants of that section of the country.*

Bill. *Ordered, That Mr. Webster have leave to bring in a Bill to vest in James K. Andrews a certain allowance of road in the Township of Dumfries, in the District of Gore.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time to-morrow.

Dundas Street Plank Road. *Mr. Chalmers, from the Select Committee to which were referred the Petitions of Caleb Hopkins, Esquire, and others, of Hamilton and of Trafalgar, and other Townships, in the District of Gore, and of Joseph Ireland and*

others; presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. *Your Committee have taken into their consideration the said Petitions, and the subject therein referred to, and they are strongly impressed with the belief that a great necessity exists for the improvement by planking or otherwise of that portion of the Main and Mail Road leading from Toronto Westward to Hamilton, commencing at that part of it at which the Macadamization ends in the Home District, and continuing westward to Hamilton; it is due not only to the very numerous population resident along the same, but the interests of the public generally, in a Provincial point of view, demand that this leading thoroughfare through the Province should no longer be overlooked. Your Committee would, therefore, most respectfully recommend to your Honourable House, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency would be graciously pleased to cause the road in question to be examined and surveyed under the authority of the Board of Works, with a view to its improvement in such a manner as may best comport with the public good.*

MR. BALDWIN[3] - said that in moving the resolutions which he held in his hand, he would not be introducing a new question; it was one with which the House and the country were long familiar. It was known that in the same session of the Imperial Parliament in which the Act for the Re-Union of the Provinces was enacted, a law was passed to settle the Clergy Reserve question which was thought to be final. Under that law Inspectors were appointed to value the lands belonging to the Clergy, and the country were further highly gratified to find by a publication in[4] the Canada Gazette[5] of last March, that the present Government had granted[6] such advantageous terms of payment to settlers upon those lands. He had so few opportunities of praising the hon. gentlemen opposite that he could not avoid congratulating them upon this proceeding, but alas his joy was short lived, in a few days a new advertisement appeared suspending those sales.[7] It was with great regret the parties concerned and indeed the country at large, lately heard that the sale of the lands was suddenly stopped. And although the Government with its usual tact styled it suspension, yet it was feared that from the great exertions being made by a certain power in Upper Canada that the gentle announcement was but a step towards a more serious measure, was in fact, a yielding to that power which had upon previous occasions been so efficacious. It was therefore, that he (Mr. Baldwin) and others felt alarmed, and that the hon. member for Lanark had prepared the resolutions which he (Mr. B.) was then about to submit. He (Mr. B.) thought the publication of such a report as that upon which the Government founded its determination to stop the sales was highly injudicious, especially as no intimation was given as to any final measure; he believed that it was calculated to affect injuriously the rights of individuals.[8] He proceeded to move the resolution seriatim.[9]

MR. AT. GEN. DRAPER - did not rise for the purpose of opposing the resolutions but to offer an observation or two upon the drop of bitterness which had fallen into the otherwise agreeable speech of the hon.

member for the Fourth Riding of York.[10] The hon. gentleman indulged in a strain of irony upon the hearty congratulations of the gentlemen opposite, which evidently were so very sincere, his very countenance was lit up with joy; but alas his joy was indeed short lived, his sorrows soon returned, there was a bitter drop in the bottom of his cup, -

----------Media in fonte leporum
Surgit amari aliquid.

The hon. gentleman went on to state that the Government had stopped these sales on account of finding that the lands had been undervalued; as soon as arrangements could be made to remedy this evil the sales would be resumed. No one felt more than himself and colleagues the necessity of settling this question, and preventing it ever becoming again that fruitful source of agitation which it had been hitherto.[11] He (the Att. Gen.) would state that the reason why no intimation of a further measure was given was, that the Government had no intention whatever of coming to that House with any measure upon the subject; he would vote with great pleasure for the resolutions, and had only to offer an explanation that had been already offered, viz: that the suspension was merely temporary and that the sales would be resumed in the shortest possible time.[12]

(165)

On motion of the Honourable Mr. Baldwin, seconded by Mr. Roblin,

Clergy Reserves.

Resolved, That it afforded great satisfaction to the public at large to see it announced in the Official Gazette of the twenty-fourth of March last, that the occupants and purchasers of Clergy Reserves generally, were henceforth to be required to pay one-tenth only instead of one-fourth of the purchase money in hand, and the remainder thereof in nine instead of four equal annual instalments; and that on lots occupied without authority, instead of interest as required by the previous regulations, a rental was to be charged for the period of occupation before purchase, varying from 35s. to £5 5s. in Upper Canada, and from 25s. to 75s. in Lower Canada, on Lots of 200 acres.

Resolved, That it is with deep regret that this House now learns by the Official Gazette of the ninth of April instant, that it has been thought fit to arrest the progress of this satisfactory alteration in the system of disposing of these lands, and to issue an order to stop any further sales thereof; and this House earnestly hopes, that the causes which have led to the said stoppage of sales, may be speedily removed, to the end that the said Clergy Reserve Lands may be acquired in fee simple by their occupants, the country settled, all future agitation prevented, and the public mind quieted.

The third ((resolution)) ... ((was)) proposed.[13]

MR. AT. GEN. DRAPER observed, that as he had had no notice of it he thought it ought to be postponed.[14]

MR. BALDWIN - was not aware that due notice had not been given and

was willing to give notice of the consideration of it for Monday next.[15]

(165)

Bank of U. C. Charter Amendment Bill. *Ordered, That Mr. Boulton have leave to bring in a Bill to amend an Act intituled "An Act to extend the Charter of the Bank of Upper Canada, and to increase the capital stock thereof."*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

MR. AT. GEN. DRAPER[16] moved an address of congratulation to His Excellency Earl Cathcart, on his appointment as Governor General, ... He said that he had searched for precenents (sic), and came to the determination of not pursuing the usual course of moving resolutions, and founding an address thereon, but simply moving an address;[17] and he had endeavoured so to word it that it should meet with the unanimous concurrence of the House.[18]

MR. LAFONTAINE seconded the Address, which was carried and ordered to be engrossed.[19]

((The address)) was unanimously adopted[20].

(165)

On motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. LaFontaine,

Address to His Excellency of Congratulation. *Resolved, That the following humble Address be presented to His Excellency, the Governor General:--*

To His Excellency, Lieutenant General the Right Honourable Charles Murray, Earl Cathcart, of Cathcart, in the County of Renfrew, Knight Commander of the Most Honourable Order of the Bath, Governor General of British North America, and Captain General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice

(166)

Admiral of the same, and Commander of Her Majesty's Forces in British North America.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, most humbly beg leave to tender to Your Excellency our congratulations on your appointment as Her Majesty's Representative in this Province; and to renew our assurance of our attachment to Her Majesty's Person and Government.

Ordered, That the said Address be Engrossed.

Ordered, That the said Address be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House, with their Address.

Restoration of Rights Bill. *Ordered, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to restore the rights of certain persons attainted for High Treason.*

He accordingly presented the said Bill to the House,[21]

MR. AT. GEN. DRAPER explained that the intention of this Bill was to remove certain disabilities under which[22] certain persons ((who)) had been attainted for high treason[23] laboured as regarded their civil rights, although their attainder had been reversed[24] and ((they)) had received her Majesty's pardon[25]. This Bill was to enable them to bring actions, to assert their rights to property and debts, in as great a degree as if that attainder had not taken place.[26]

MR. BALDWIN said that he had again great pleasure in rendering a due meed of praise of the Government, who had introduced the bill. It had been he said, the intention of the late Government to introduce such a bill; but, owing to the difference between the Governor and them, which caused their retirement, it had fallen through. He (Mr B.) thought however, that as this was a prerogative of the Crown, it ought to have been sent down with the signature of the Governor, and then read once in each House.[27]

MR. AT. GEN. DRAPER said, that he had caused a search to be made for precedent, and had come to the determination, after the search had been made, to follow the same course as with other bills.[28]

(166)

and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Ferries Bill, (U. C.) *Ordered, That Mr. Cummings have leave to bring in a Bill to explain and amend a certain Act therein mentioned, and to make further provisions concerning Ferries in Upper Canada.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Duties between Master and Servant Bill. *Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill to regulate the duties between Master and Servant, and for other purposes therein mentioned.*

He accordingly presented the said Bill to the House,[29]

MR. AYLWIN said that the bill had not been prepared by him: it related particularly to[30] the contracts between parties engaged in the[31] trade on the Ottawa River, where there is a large business carried on in the manufacture of lumber. It was badly situated, far from

any courts of justice, for the punishment of criminals[32]. ((It was impossible to bring)) parties to justice for crimes committed[33], especially on the Lower Canada side of the river. He believed that he could mention a case in which a murder had been committed,[34] in that district[35], and the perpetrators (sic) of that act remained at large, till at last he made stipulations - not those detested Ministerial stipulations - with[36] a member of the Executive Government ... that if he would condescend to surrender himself in Montreal, and his trial did not take place that term he should be liberated on bail, and consequently he had been set at liberty.[37]

MR. AT. GEN. SMITH said that he did not rise to oppose the bill, but to correct a misstatement.[38] The Government had made no such stipulation, but in an argument of four hours duration had resisted the application for bail, and the responsibility of that act must rest on the hon. Chief Justice who granted it.[39]

MR. AYLWIN said, that although he called that Judge his friend, he could only consider this act as equalled by another, where an individual who had robbed a bank had been bailed.[40]

MR. AT. GEN. SMITH said, that application was also resisted by the Government.[41]

MR. HALL suggested that the bill should refer to Upper Canada also.[42]

(166)

and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Montreal Ballot Bill. — *Ordered, That Mr. Leslie have leave to bring in a Bill to amend an Act therein mentioned, and to establish the vote by ballot in the Election of Councillors and Assessors of and for the City of Montreal.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Members added to Committees. — *Ordered, That Mr. Hall be added to the Select Committee to which was referred the Bill to define the limits of Bytown, and to establish a Town Council therein, instead of Mr. Sherwood of Brockville, who is engaged on Election Committees.*

Ordered, That Mr. Jessup and Mr. Hall be added to the Select Committee to which was referred the Petition of Donald Cameron, of the Township of Thorah, in the Home District, instead of Mr. Macdonell of Dundas, and Mr. Williams, who are serving on Election Committees.

On motion of Mr. Jessup, seconded by Mr. Macdonald of Cornwall,

Brockville Town Lot Bill. — *Resolved, That a Message be sent to the Legislative Council, requesting that their Honours may be pleased to communicate to this House the docu-*

ments, evidence, or proofs, upon which is founded the Engrossed Bill received from their Honours, intituled "An Act to authorize the Devisees and Trustees of the Will of the late Honourable Charles Jones, to convey a Town Lot therein mentioned to the President and Board of Police of Brockville, for the uses and purposes therein mentioned."

Ordered, That Mr. Jessup do carry the said Message to the Legislative Council.

Mining Company Bill. Ordered, That Mr. Macdonald of Kingston have leave to bring in a Bill to incorporate "The British American Mining Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Montreal Gas Bill. Ordered, That the Bill to incorporate "The Montreal Consumer's Gas Company" be read a second time on Thursday next.

Etobicoke Road Bill. Ordered, That Mr. Duggan have leave to bring in a Bill to incorporate certain persons under the name of "the Etobicoke and Mono sixth line Road Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

On motion of Mr. Smith of Wentworth, seconded by Mr. Roblin,

Great Western Railroad Bill. Ordered, That the Order for Engrossing the Bill to incorporate a Company to extend the Great Western Railraod from Hamilton to Toronto, be discharged.

Ordered, That the said Bill be now recommitted to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. DeBleury took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. DeBleury reported that the Committee had gone through the Bill, and had made further amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Penitentiary Bill. Mr. LeMoine, from the Committee of the whole House, on the Bill to consolidate and amend the Laws, relating to the Provincial Penitentiary, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

District Courts Bill, (U. C.) *Mr. Rousseau, from the Committee of the whole House on the recommitted Bill to amend an Act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada," reported, according to order, that the Committee had gone through the Bill without making any further amendment thereto;-- and the amendments made to the said Bill on the first committal thereof were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be engrossed.

(167)

Usury Bill. *The Order of the Day for the second reading of the Bill to exempt certain mercantile transactions from the operation of the law for the prevention of Usury, being read; The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Duggan, That the said Bill be now read a second time.*[43]

MR. SOL. GEN. SHERWOOD - ... said that he had taken the course in this matter which had been taken in England, as he thought it prudent to follow step by step the legislation which there led to their repeal. The principle of this measure had been several times negatived by the Parliament of Canada, on the last occasion by a majority of one.[44] The repeal of the Usury laws had been followed by great advantages at home, and[45] would, in his opinion be followed by great advantages ((here)), & altho some inconvenience might be felt at first, money like everything else would find its level. On the other side of the line 7 per cent is obtained for the use of money, and in Canada money can be invested in real property so as to obtain 6 per cent without any risk, and thus a large amount of capital is prevented from being introduced into the country for the purpose of loaning as persons can invest their money more profitably in other ways.[46] He believed it would lead to the introduction of a large amount of capital into the country, which would not be introduced so long as the interest was only £6 per cent[47]. He intended to make the law applicable to bills and promissory notes not having more than twelve months to run, upon which as much interest might be given and received as the parties agreed for, but where no bargain was made, the law as it is at present would regulate the agreement.[48] £6 per cent alone could be demanded or recovered. There was a clause in the Bill which limited its operation to one, two, or three years, in order to try its effect. If it was wished to restrict Banks[49], on account of their possessing such a great amount of capital, from demanding a higher rate of interest than 6 per cent, such a clause could be inserted in committee, but he (Mr. S.) was prepared to throw open the money market to the competition of all parties.[50] He was convinced that the repeal of these Laws would be followed by great advantages, for he had known many[51] instances of individuals who could not obtain a loan of money at 10 or 15 per cent in consequence of the Usury Laws and who

were obliged to sacrifice their property to the amount of 50 or 100 per cent. He could not be charged with any interested motives in introducing this bill, as he was neither a money lender or borrower; he was however anxious to assist the commerce of the country. The necessity of the repeal of Usury Laws has been fully discussed both in this Province and in England, and though in former days this project was considered visionary, the force of truth has wrought such a change in the minds of the statesmen of England, that these laws have been repealed.[52]

MR. BERTHELOT said he was sorry to find that[53] the hon. member who has introduced this bill does not remember the past history of mankind, and he has not profited by the lessons of ancient history[54]. There were always money-lenders,[55] ((and)) plenty of persons who where (sic) willing to borrow money at any price, in consequence of which, laws against usury have been in existence for many centuries in all civilized countries. The circumstances of England are different from this country; for in England capitalists are often glad to get 3 or 4 per cent for their money.[56] But the history of nations showed that desperate men in their need would promise to pay[57] any per centage[58] - £20 or £30 per cent per month[59]. It is a fact in ancient history, that people have paid 300 or 400 per cent for the use of money. And many persons in a state of[60] half-intoxication[61] will be induced to sign a promissory note for double the amount they obtain for it[62], and this Bill would be the excuse for such immorality.[63]

MR. ERMATINGER said he was in favor of the Bill, it would remove a great deal of evil which existed under the present system; it would bring a large amount of capital into the market and persons who were in difficulties would be able to obtain money at a moderate rate, who were now absolutely ruined by the exactions of persons who practised usury in defiance of the law.[64] Many persons might be opposed to the repeal of the usury laws from religious scruples; but, by the law of Moses, simple interest was called usury. He (Mr. E.) did not see why the laws which govern money should be different from those which govern any other commodity, unless it is because money slips through our fingers easier than any thing else. In this country money cannot always be obtained for commercial purposes at 6 per cent; for capitalists can invest their money in property and obtain 6 or 8 per cent, and thus obtain more than the legal rate of interest, and have the best security. The very persons whom we wish to assist by our usury laws are the very individuals who are most injured by them; for many farmers and others who would often be quite willing to pay 8 per cent to keep their property from being sacrificed, are, in consequence of these laws, unable to obtain the advances required. Persons who are indiscreet will be ruined by any bill.[65]

MR. SMITH of Frontenac - was not prepared to repeal a law which has existed in Upper Canada since 1811, because the hon. member who has introduced this bill had not convinced him of the necessity of its repeal. We have been invited to follow the example of England, but the situation of the two countries is very different - in England money is abundant

and capitalists do not often know how to invest it profitably, but here we are obliged to borrow. In England the law restricted the rate of interest to 5 per cent until money became plentiful. - The banks in Canada have collected all the spare capital of the country, in consequence of their being able to pay 8 per cent and sometimes a bonus besides to the stockholders. - He (Mr. S.) was not an old man but he remembered it being often said that money could be more easily borrowed at six per cent before the establishment of the banks than it can now. He (Mr. S.) entirely concurred in the remarks of the hon. member for Kamouraska. - It has been said that a higher rate of interest is allowed in some of the United States of America than in Canada, - what has been the consequence of this? English capitalists have invested large sums of money in the public works of that country, and now many of these states have repudiated their just debts. He (Mr. S.) did not believe that the repeal ((o))f the usury laws would cause capital to flow into this province; for the monied men of England, are not prepared to lend to us on as favourable terms as to others; as an instance of this he would mention, the loan obtained by the corporation of Kingston a few years ago. It was thought that the loan would have been obtained for 4 per cent, as money was then plenty in England, but it being known that our rate of interest was 6 per cent, they struck out for that rate and the Commercial Bank having been foolish enoug (sic) to guarantee it, the loan was obtained at 6 per cent. He (Mr. S.) thought that a farmer in distress would offer any rate of interest, and thus be irretrievably ruined.[66]

(167)

Mr. Smith, of Frontenac, moved in amendment, seconded by Mr. Lantier, that the word "now" in the said motion be struck out, and the words "this day six months" added thereto.

MR. SOL. GEN. SHERWOOD omitted to mention before that this legislature has virtually repealed the usury laws, as respects the Building Societies which have been incorporated; for they are allowed to take any amount of interest. He considered that these Societies will do a great deal of good, by enabling persons of small means to obtain houses of their own. A great deal has been written upon this subject by eminent writers in England; he would read an extract from a memorial that was presented to the Legislature of Massachusetts, as it expressed his sentiments in few and appropriate words (Mr. S. here read the extract). (He Mr. S.) hoped the members of this House would give this subject, that consideration which its importance demands. The Usury laws are now evaded every day, and any one in Upper Canada who would sue for the penalties would be looked down upon by all his neighbours.[67]

MR. AYLWIN opposed the Bill as introducing a system altogether inapplicable to this Colony.[68] ((He)) was surprised that the hon. Solicitor General West had not better evidence in support of his bill than a petition to the Legislature of Massachusetts. He (Mr. A) had read some able articles in the English Periodicals which he regretted he had not then at hand, and which, he would say, were more instructive than the

second hand evidence quoted by the Solicitor General. "Money," said the hon. member, had one characteristic merit which belonged to no other article of commerce, it was the symbol, the type of the value of all other articles - with money any thing else might be had. It was not so with other things. With sugar or corn you might not be able to procure beef, &c. He (Mr. A) would, therefore, deprecate the principle assigned by some hon. members, and upon which argument appeared to be based, that money should be subject to only the same rules & restrictions as any other article of trade. If the bill referred only to the mercantile community, he might not be so much opposed to it. Merchants could generally give more than 6 per cent; their constant profits of 20 and 30 per cent enabled them to do so. But the people of the country could not afford to pay high rates of interest, and would be ruined if by inducements such as that bill would afford, they were led into extensive borrowing. He (Mr. Aylwin) thought that the hon. Solicitor General would do better to the country if he were to amend the Usury Law so as to enable usurers to obtain their principal with lawful interest; at present it often happened that the lender and borrower were both rogues, the one sought too much and the other would pay nothing. Besides by allowing usurers to sue fer (sic) lawful amounts they would be brought into light and suitably branded by society. The hon. member after some further ... remarks,[69] declared that he would then as in a former instance warmly oppose the bill, and hoped it would be indignantly rejected.[70]

MR. J. A. MACDONALD (Kingston) said, it was evident that this measure would not receive the assent of the House[71]. In this case like all other innovations upon old prejudices, (and it was purely prejudice that enacted these laws) it would have to be a long time before the principle before the public as well as unshackled trade, would be received with favour. That great English writer, Jeremy Bentham, whose work on the subject of the Usury Laws, Sir James Macintosh pronounced unanswered and unanswerable, laid it down as a proposition that could not be disputed, that every adult of a sane mind has a right to borrow money on any terms he pleases; and any restriction upon this liberty is an infringement of natural right. It is said of this, Oh! this sounds very well in theory, but it will never do to practice. He could not understand how - when a theory was correct, the practice of that theory would not be correct also. At the present time usury was practised secretly, and the borrower had to pay not only for the value of the money, but also for the risk run by the usurer[72] who laid himself open to a penalty of three times the amount of the loan.[73] Many properties were sold by Sheriff's sale for the sixth of their value, which would have been saved to their owners, if they had been allowed to pay a higher rate of interest than six per cent, and thus obtain money. Many such instances had occurred within his knowledge. It was a common thing ... among young merchants,[74] in this and other cities[75], when pressed for money, to send part of their stock to auction, and sell it at a ruinous sacrifice, which they would not have been obliged to do, if the usury laws were abolished[76], ((and)) they

could get money at a higher rate of interest.[77] He referred to several instances that are mentioned in Kelly on Insurance of the bad and ruinous effect of the Usury laws upon the merchants.[78]

MR. ROBLIN said, that the Solicitor Gendral (sic) West ought to rest satisfied with the many changes likely to take place in the country without attempting to push this matter through the House at the present moment, for even if the change he proposed were feasible, it was not the proper time for it.[79] ((He)) opposed the Bill as precipitate in the present state of our commercial changes.[80] When this very bill was brought up in a former session of Parliament, it was lost by a majority, and he had on that occasion the pleasure of standing side by side with the late lamented Mr. Cartwright, a gentleman who understood the monetary affairs of the Province as well as any one, and who opposed this bill then as he (Mr. R.) was certain he would oppose it now, if living. The hon. member for Kingston had argued on the question very handsomely, that the Usury Laws, as they now exist, interfere with our natural rights. But he would ask what are nearly all our laws but an interference with natural rights for the benefit of the community? (Hear, hear.) - Gne (sic) man has £100, and another standing in need of that sum, and being a stronger man, could force him to give the money according to the doctrine of natural rights, but fortunately there stood in the way a law prohibiting such a display of them for the benefit of the community. Such is the case with the Usury Laws; they are intended to prevent the extortion and the robbery which would otherwise be practised. The hon. member for Kingston instituted a comparison between money and all other commodities, and to wish that the same rule should be exercised with respect to all. But there is a vast difference between money, which alone is durable, constantly increasing itself, and all other commodities which ... are perishable, and are purchased by the merchant in order to consume them himself, or to sell them to others; in either case they are perishable. But does the merchant sell his money? No, no. He hoards that up, or else puts it out at interest; thus increasing his stock constantly. But the principal argument used in favour of the passage of this bill is, that by the inducement of a higher rate of interest than is now legal, capital would flow into the Province from other countries; instead of that what would be the result? Every shilling now due in Canada would have to be paid immediately, or the demands of exorbitant interest would be mode (sic) on the unfortunate debtors. (Hear, hear.) It would be impossible to form a conception of the confusion and misery that would ensue. - "Pay me what you owe, or give me twenty per cent," would be the cry on all sides. - (Hear, hear.) He would vote for the amendment from a conviction that the bill is unsuited to the wants of the country, and as he felt convinced that no injury would arise from its being deferred for another year.[81] Cette loi était en force depuis trente cinq ans, et il pensait qu'elle devait encore rester la même.[82]

MR. MOFFATT, although not in favour of the abrogation of the Usury Laws, was not disposed for the motion to throw the bill out. He would

rather see it sent to a select committee in order to modify the penalties for a breach of the laws. He would consequently vote for the second reading. When comparisons were drawn with the acts of the Legislature at home, he would remind the House that in the interests affected by this bill, there was no resemblance between the two countries. (Hear.) There money was plenty, and land scarce, here it is the reverse,[83] here money was scarce and land plenty[84], and taking the reverse of the course adopted in England, if the bill were intended to remove the operation of the usury laws as affecting[85] mortgages on landed security[86], instead of other securities, he would be inclined to vote for it. The argument on which most stress was laid, was that by the abrogation of these laws, capital would become more plentiful in the Province. Was it for that purpose, was it to invite the introduction of capital that these laws were repealed by the Imperial Parliament? On the contrary, they waited prudently until capital was super-abundant, and what would show that there was no danger there of exorbitant interest being demanded, was the fact of its being cheaper in the streets than in the house. In illustration, the hon. member said, that when a merchant had amassed a sum of money, he put it into the hands of his broker, who generally invested it at a lower rate than the banks were discounting. But in this country from the scarcity of capital, the reverse is the case, money being dearer in the streets than in the house. He repeated if the Bill were intended to remove the operation of the usury laws so far as regarded real estate, he would be inclined to vote for it, and if that succeeded, then he would have no objection to give it a trial on other securities. But under its present form he was opposed to it. Nevertheless, he hoped that the hon. member for Frontenac would withdraw his motion -[87]

MR. SMITH: No, no.[88]

MR. MOFFATT ((continued:)) and allow the bill to pass through its second reading in order to refer it to a select committee, as he felt convinced there was not a member in the House who did not think that the existing law respecting penalties was capable of modification.[89]

MR. DEWITT - said that with regard to what had fallen from the hon. member for Kingston, that money as a marketable commodity, should be but at the same rate of interest as was chargeable on other goods, it struck him that there was a very essential difference. He would like to know, could a man who owed a debt, take his barrel of flour or his barrel of pork and offer it in payment? No, it struck him that that was not a legal tender. The debtor would be obliged to part with three or four barrels of flour in order to make up the amount required. But if a bill were passed making a barrel of flour or a load of wood a legal tender, he would then concur in that hon. member's remarks.[90] ((Il)) dit qu'il était quelquefois intéressé à prêter de l'argent mais qu'il ne désirait pas retirer plus de 6 par cent[91] The bill as it appeared to him, was one which would have the effect of grinding down all debtors throughout the Province, (hear, hear.) The hon. member for Kingston said, that money had been ... ((put)) at twenty-four and twenty-

five per cent per month in New York in 1835 and 1836; but what were the results? Was it not known to every one that the Americans became bankrupts, and the effects of their bankruptcies were felt throughout the colonies. And did the hon. member wish to bring about the same results here, which must inevitably ensue from legalising robbery, (hear, hear,) we have quite enough of that already, and he did not wish to see a law passed legalising it. The hon. member for Montreal had intimated that he would readily remove the operation of the Usury laws as regarded real estate, but if they eat up the farmers what good results would ensue, would the colony be in a higher state of prosperity? No, his creed was to allow all to live together, the farmer as well as the merchant and the tradesman, (hear, hear) and he hoped the motion would be carried.[92]

MR. PRES. EX. COUN. VIGER spoke in favor of the Bill.[93]

OR

MR. PRES. EX. COUN. VIGER dit qu'il s'opposait au bill.[94]

MR. BALDWIN congratulated himself upon the conversion of the member for Montreal.[95] ((He)) hoped that this would not be a solitary instance of their sentiments being the same.[96] For himself his present opinions did not differ from those he uttered on this subject in 1841.[97] His attention had been called to the observations of the hon. member for Kingston, whom he always listened to with great attention, being always sure of hearing some arguments bearing on the case, but who on the present occasion, seemed desirous of making no distinction between theory and practice. He (Mr. B.) hoped however, that hon. member would admit, that although on abstract principles it was the interest of the whole human race to follow a course consistent with the laws of their country yet in practice, it would not do for Parliaments to depend on that alone, but pass such enactments as would punish the infringement of those laws, and he would beg of him to consider what universal suffering, the measure he advocated would cause, for although true in the abstract, he believed it would be somewhat difficult to carry out in practice. During the course of the evening a great many illustrations had been drawn from England, & in the distinctions to be observed in several of these points he concurred. He concurred with the hon. mem. for Montreal in the distinction made by him between the abundance of money and scarcity of landed property in England and the opposite being the case in this country, but he could not agree with him as to the propriety of removing the restrictions relative to landed property[98] first,[99] for it was well known what class it was generally possessed by, and who would undoubtedly be overtaken by ruin, if the hon. gentleman's opinion were adopted.[100] But on the contrary, if anything was done in the matter it should be first done as this Bill provided[101]. He (Mr. B.) would ... be ... inclined to throw the doors open to the commercial community[102], so that those should be subject to its operation alone who were aware of the value of money.[103] ((They)) would be less liable to suffer from the removal of such a restriction than the farmers. He was convinced that if the usury laws were repealed ((and))[104]

if landed property were included, in a few years a great part of it would change hands.[105] (Hear, hear.) The hon. gentleman spoke of the difficulty experienced in attempting to borrow money at ten, fifteen, or twenty, per cent, and the possibility of merchants being saved from bankruptcy, if it were legal to procure money at that rate of interest. But he was convinced that was a fallacy - (Hear.) - Merely putting off the evil day, to return at a later period with redoubled violence.[106]

MR. ROBINSON: And with worse consequences.[107]

MR. BALDWIN - Aye, and as the hon member said, with worse consequences. He was quite satisfied that any man borrowing money at such an exorbitant rate was only ensuring his own ruin. Could any hon. member suppose for one moment that money was really worth ten or twenty per cent? He would admit that by some speculation, well managed, it might be made to pay that; but what he referred to was the marketable value. He therefore agreed with the hon. member for Prince Edward, that[108] at this time of commercial changes the measure was still more objectionable.[109] This is not the time to make any change in the existing laws. The hon. member for Montreal had said, he would vote for the second reading, in order to have the bill referred to a select committee; but it appeared to him (Mr. B.) that the object the hon. gentleman designed ((it)) to gain, that is to say, the modification of the penalties for a breach of the usury laws, could not properly enter into the bill before the House, but should form the subject of a different bill altogether. He (Mr. B.) would therefore feel bound to vote for the motion.[110]

MR. COLVILLE had listened to the speeches made in favour of the bill with great pleasure, and he was prepared to vote for the second reading as he believed that the operation of the bill would be good.[111] ((He)) agreed with the remarks which had fallen from the member for Kingston. He believed that this Bill would reduce the rate of interest in this country.[112] If he believed it would raise the rate of interest, he would not vote for it[113]. He disagreed altogether from the member for Montreal,[114] as it was but an experiment[115] ((which)) he could not see the propriety of making ... on the farmers -"Fiat experimentum in corpore vili" - he would prefer to try it on the merchants and if it was found to agree with them it would be time to subject the unfortunate farmers to it[116] ((and)) allow usury on land. The reason that it was not extended to Landed estate in England was that it was found that one-half was mortgaged and it was feared that the other half might change hands.[117]

M. ROBINSON dit qu'il serait heureux de voter pour la mesure s'il était convaincu qu'elle réduirait l'intérêt.[118] This was a question on which he had thought a great deal, and which had been discussed by the press, but after all his experience he could not see that the allowing of usury would lower the interest. The very argument used by the member of Kingston where he stated that they were paying in New York 7 per ct. and in Georgia 8 per ct. legal interest was against him, for the people because they pay such a large rate of interest are perish-

ing. He did not conceive it any argument to say that many a man has been ruined because he could not get money at 6 per ct. & was not allowed by law to pay[119] 10 per cent[120], for he believed that it would be running him more into debt by allowing him to pay 7 per cent or more.[121] Il pensait que si l'on permettait de prêter à un taux plus élevé, ce taux plus élevé deviendrait en usage.[122]

MR. PRICE said - The principal argument urged by the supporters of this measure was that if the Usury Laws were repealed, capital would flow into this country in abundance, as the high rate of interest would induce the English capitalist to invest his money here, and that money would in consequence become plentiful, and, as a necessary result, the interest would be reduced rather than increased. He (Mr. P.) would ask then how it is that whilst the legal interest of Canada is six per cent, and money is plentiful in England at 3 per cent, that we do not get all the money that is required for the business of the country? The reason is obvious to every reflecting man, and no one knows it better than the hon. member for Montreal, that the monied man in England will not lend his money in this country from uncertainty of getting his interest regularly paid, and the absolute certainty of never getting the principal. If we could inspire confidence in the money market in England, then we could obtain any amount of capital that we might require. Should, however, these laws be repealed, the Canadian capitalist, monied men, bankers, and money jobbers, would borrow large amounts of money from England and let it out to the farmers and the needy merchants in small sums upon mortgages and bills of sale at an enormous increase of interest, and the result would be that the industrious yet thoughtless and imprudent borrower would be inevitably ruined. He (Mr. Price) was thoroughly convinced that no business in this colony could be profitably carried on with a borrowed capital at a higher interest that (sic) six per cent, and any farmer who had to carry on his agricultural pursuits upon a borrowed capital with interest even at that rate might rest assured that sooner or later he would be brought to absolute ruin, and if this were true what reasonable hope could we have, with free trade staring us in the face, of being able to pay a higher rate with any chance of success. Every town and village - in fact, every pot-house and tavern, would be a shaving shop to plunder and rob the simple, the needy, and the unwary. - The Hon. Solicitor General Sherwood, in introducing this measure, had stated that he was not wedded to it, and had no personal interest in it, and that he was ready to be convinced by argument that he was wrong, and when convinced willing to withdraw the bill, and yet with inimitable consistency had abandoned the House during the whole debate. - Had he only attended to the speech of his (Mr. P.'s) hon. friend, the learned member for Quebec, which was, in his opinion, unanswerable, the hon. and learned Solicitor General would have been amply paid for such attention. He (Mr. Price) well knew that many, very many, farmers, who had thoughtlessly involved themselves in debt, and merchants on the eve of bankruptcy, had repeatedly paid 15 and 20 per cent for interest to relieve themselves from present embarrassment, but one and all of whom had, sooner or later, been involved in absolute

ruin. The money jobber had obtained the farm and plundered the merchant, and the wholesale merchant in Montreal and London had eventually to suffer the entire loss. Repeal these laws, and the same reckless, thoughtless imprudent men would be the borrowers of the floating capital. The money jobbers in a few years would be the owners of the half of the lands of Western Canada; the people the slaves of an aristocracy of all aristocracies the most hateful - a monied aristocracy. This House is bound to prevent such a result, and to discourage that itching in the yeomanry of borrowing money which has already become an epidemic. He (Mr. Price) knew men in the city of Toronto, who for years, had carried on a system of borrowing money at an extravagant interest to keep up their sinking credit, because they had not moral courage to trust their creditors. - To-day such men would borrow of A to pay B, and to-morrow to C to pay A, and to all the year round, until at length their whole means had gone into the hands of usurers, and the merchant, whose goods had been wasted and plundered, lost everything; and if this bill be carried, and becomes the law of the land, our bankers and monied men will become Jews, shavers, and money jobbers - our merchants reckless, immoral borrowers, always at the mercy of the monied men - our farmers involved in irretrievable ruin. The money that comes here borrowed from England flows back again in an increased stream, draining and impoverishing a country altogether unfit and unprepared for free trade, in money or in any thing else. The Hon. Sol. General, whom he (Mr. P.) now saw in his place, had twitted the opposers of this measure with being attached to antiquated notions. He would inform the hon. member that antiquated as these notions were, they were participated in by a vast majority of the friends of the human family all over the world. The honorable member himself has through life been the very strongest stickler to antiquated notions in human government which every enlightened man of the age had repudiated, and he (Mr. P.) was not unwilling to be called antiquated bccause (sic) he desired to protect the fair and honest borrower from the mercenary, hungry, unprincipled lender.[123]

MR. THOMPSON ... made a few remarks in favour[124] ((of)) the second reading[125] of the bill[126].

(167)

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Bouthillier, Cauchon, Chalmers, Chauveau, Christie, Desaulniers, DeWitt, Foster, Gowan, Guillet, Jessup, Jobin, Johnston, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonald of CORNWALL, Macdonell of STORMONT, M'Connell, Merritt, Meyers, Nelson, Papineau, Powell, Price, Robinson, Roblin, Rousseau, Seymour, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Taché, Solicitor General Taschereau, and Viger.--(43.)

NAYS.

Boulton, Cayley, Colville, Cummings, DeBleury, Dickson, Attorney General Draper, Duggan, Ermatinger, [illegible], Macdonald of KINGSTON, Moffatt, Monro, Murney, Sherwood of [illegible], Solicitor General Sherwood, Thompson, and Williams.--(18.)

So it was carried in the affirmative.

The Question being then put on the main motion, as amended, it was agreed to by the House, and

Ordered, That the said Bill be read a second time this day six months.

Dempsey's Relief Bill. The Order of the Day for the House in Committee on the Bill to authorize the Courts of Queen's Bench and of Chancery, in Upper Canada, in their discretion, to admit John W. Dempsey to practice as an Attorney and Solicitor therein, being read;

The House accordingly resolved itself into the said Committee.

The Honourable Mr. LaFontaine took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honourable Mr. LaFontaine reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be Engrossed.

Hastings Titles Bill. The Order of the Day for the House in Committee on the Bill to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada, being read;

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Cayley took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honourable Mr. Cayley reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Public Roads Bill. The Order of the Day for the second reading of the Bill to prevent the opening of Government allowances for Roads, without an order from the Municipal Council of the District in which the said allowances are situated, being read;

The said Bill was accordingly read, and ordered to be Engrossed.

School Lands Bill. The Order of the Day for the second reading of the Bill to amend the Act therein mentioned, relating to the appropriation of monies derived from the sale of School Lands, in Upper Canada, being read;

The said Bill was accordingly read, and ordered to be Engrossed.

Odd Fellows Bill. The Order of the Day for the second reading of the Bill to enable the several Lodges of the Society of "Odd Fellows," to hold real and personal Estate in this Province, being read;

Ordered, That the said Bill be read a second time on Friday next.

Huntingdon Plank Road Bill. The Order of the Day for the second reading of the Bill to incorporate "the Huntingdon Plank Road Company," being read;

The said Bill was accordingly read and committed to a Committee of the whole House on Wednesday next.

Magdalen Islands Bill. The Order of the Day for the House in Committee on the Bill relating to the Magdalen Islands, in the Gulf St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, being read;

The House accordingly resolved itself into the said Committee.

Mr. Williams took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Willaims reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be Engrossed.

Sites of Schools Bill. The Order of the Day for the second reading of the Engrossed Bill from the Legislative Council, intituled, "An Act to provide for vesting in Trustees the Sites of Schools in that part of this Province called Upper Canada," being read;

The said Bill was read accordingly.

Ordered, That the said Bill be read a third time on Thursday next.

Supervisor of Cullers Bill. The Order of the Day for the second reading of the Bill to increase the salary of the Supervisor of Cullers, being read;

Mr. Stewart of Bytown moved, seconded by the Honourable Mr. Aylwin, that the said Bill be now read a second time.

The Question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

The said Bill was accordingly read, and committed to a Committee of the whole House,

Mr. Leslie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Lake Huron Railroad Bill. *The Order of the Day for the second reading of the Bill to amend an Act passed in the 8th year of Her Majesty's Reign, intituled, "An Act to amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to incorporate the City of Toronto and Lake Huron Railroad Company,'" being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Johnston took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

(168)

And Mr. Johnston reported the Bill back to the House.

Ordered, That the said Bill be referred to the Select Committee on Railroads.

Niagara District Town Bill. *The Order of the Day for the second reading of the Bill to remove the Site of the District Town of Niagara to Port Robinson, in the Township of Thorold, being read;*[127]

MR. CUMMINGS said in moving the second reading of this bill, he would remark, that the inhabitants of the District of Niagara, have long suffered great difficulties and laboured under serious inconvenience, in having to travel to the present District Town, situated as it is, as (sic) an extreme angle of the District - so long ago as the year 1816 after the war with the United States of America, the selection of a site, to erect a Gaol and Court House upon, was left to the Magistrates of the District. At that time there were but few, and those only along the frontier, the back Townships being without any, and it has only been within a few years past that these Townships in the interior were supplied with Magistrates. The village of Stamford was a place selected by some of them but from the influence at that time possessed by those residing around Niagara - it was carried as he understood by a majority of one or two, and the present Court House was built in a swamp at that time a mile from the Town to the great annoyance of those having to attend the Court - after that decision and the erection of the Court House the inhabitants were obliged to be content for some years. But in 1836 it appeared by the Journals of the Legislature of Upper Canada that John Clark Esq., and about 1600 others, petitioned for its removal to a more central and convenient place, which petition was referred to a Select Committee, who reported in favor of the petitioners, which report I will read. (Here Mr. C., read the report.) The unfortunate disturbances taking place in 1837 prevented the inhabitants from following up their petition for its removal, until May 1842, when they petitioned the District Council, that Council petitioned this Hon. House, praying to remove the site of the District Town to a more central and convenient place. A Select Committee to which the said petition was referred, reported in favour, but that the District

Council should name the place. The subject was again taken up by the District Council, and by an unanimous vote of that body, excepting the Councillor for Niagara, it was carried that Port Robinson should be the place and accordingly they again petitioned this Hon House naming Port Robinson, from its natural position, to be the place for the future site of the District Town. The Council again petitioned in 1844, and at the last Session of the Legislature a Select Committee again reported favorably for a removal from its present site. At the present Session, the petition from the Council has been strengthened and backed by petitions most numerously signed, from almost all the Townships in the District. Further Niagara is retrograding, no business done there, no attraction to cause the inhabitants to go there, and no one now visits that Town, unless dragged there at great sacrifice and inconvenience to attend the Law Courts. It is completely an isolated place at an extreme point, cut off by St. Catherines (sic), Thorold, Allenburgh and Port Robinson, all flourishing places of business. At Port Robinson, there are several good Inns affording every accommodation for public convenience and comfort, it is situated on the Welland Canal on the Banks of River Welland, with roads branching to all parts of the District, besides water communication from Port Dalhousie and St. Catherines (sic) by the Canal, from the Grand River by Packet Boat down the feeder, from Port Colborne by Packet Boat, and from Fort Erie and Chippewa by Steam Boat and from Castor, Canborough and Gainsborough down the River Welland - it has excellent water privileges for Mills and Machinery. The road from St. Catherines (sic) and Port Dalhousie, on Lake Ontario by land is about 14 miles from Port Colborne, on Lake Erie about the same distance, from Fort Erie 20 miles and from Niagara 20 miles. Building materials of all descriptions can be taken to Port Robinson as cheap as any other place in the District. Further he (Mr. Cummings) was satisfied the District Council will never vote an appropriation of money to rebuild a Gaol and Court House at its present location - neither would the inhabitants of the District be reconciled until a more central and convenient place was selected, thereby making a great reduction of the cost attendant on the Administration of Justice.[128]

(168)

Mr. Cummings moved, seconded by Mr. Thompson, that the said Bill be now read a second time.

MR. DICKSON said, as representative of the town of Niagara it may be naturally supposed that I will offer a strenuous and determined opposition to the measure now before the House, and it is to me a source of great satisfaction that in so doing I can advance strong arguments against it without resting my opposition on those which alone might be considered untenable; and only advanced in opposition to the measure as an act of duty in my representative character, offering resistance to a measure injurious to those whose interests I was sent to that House to watch over and protect. I intend, sir, to grapple with this question, in the first place, by shewing to the House the impropriety of passing a bill such as the one now submitted for its consideration, upon the

principle that so doing would be sacrificing the general interests of the people of the Province to the convenience of a portion of the inhabitants of the district, whose personal interests and sectional advantages influence them to make the application now before the House. I contend, Mr. Speaker, that a county town is not, nor ought it to be, placed for the mere convenience of those persons residing in the District. I would ask, if the convenience of a few jurors and witnesses that may be required to come to the county town once a year is to be considered of more importance than the great interests of the people of this Province? The present county town was originally the Seat of Government, in the early settlement of the Province, and was the place where the U. C. loyalists rallied round the British standark (sic) at the close of the American Revolution; and from that period to the present has been the county town, situated at the mouth of the Niagara River, on the margin of Lake Ontario. And, Mr. Speaker, it has been the policy of the Legislature, with few exceptions, to select sites for county towns on the margin of lakes or navigable rivers,thereby afford ng facilities of travelling to all those who might be required to attend the courts. I would ask, Mr. Speaker, if this House passed the present bill for sanctioning the removal of this county town, where are you to stop, provided you admit the absurd abstract proposition contended for, that the District Council having asked for it, therefore it must be granted? Pass that bill, and next session you will have a number of petitions presented to this House for the removal of others; as in some instances, and he might instance the Home District, the more remote townships are eighty miles and more from the City of Toronto, and from Amherstburgh to Cornwall. When practicable the County towns have been invariably placed upon the water. Some hon. members seemed to think no more of moving a county town then (sic) transferring a pawn upon a chess-board. Having made these general remarks, Mr. Speaker, let us examine the foundation upon which the application to this House is predicated. It is, as the hon. member for the county of Welland has told you, upon petitions presented to the Legislature in 1836 and 1842, and a report made in each of those years by the House of Assembly. And, sir, one of the great causes of complaint that then existed has been removed, and a cause for its removal which did exist, done away with, by transferring from townships in the part of the District most remote from the county town to other and more contiguous districts - two being attached to the Gore and two to the Talbot Districts, by the act passed by this hon. House during its last session; consequently a great number of those who petitioned in 1836 and in 1842 cease to have any interest in the matter, as the inconvenience they experienced is remedied. The hon. member for the county of Welland had endeavoured to press upon the House the fact that the District Council, were so much disposed to consult the interests of those they represent that they wished to have the county town in the centre of the district; but did their acts correspond with their professions. They select a place for it nine miles from the geographical centre, being in lot No. 18, in 8th concession of Pelham, and nine miles from the beautiful village of ... Port Robinson. And having said this much, Mr. Speaker, on the imprudence of this removal as a matter of public policy, I now propose to offer my opposition, to

it on the ground of the gross injustice which must result to the inhabitants generally, and the public officers in particular, who have received their appointments from the Crown, and who have their comfortable residences situated in that town; and who, if this act passes, must either resign their situations, or emigrate to that beautiful village on the banks of the Welland Canal, called Port Robinson. The town of Niagara during the last War was reduced to ashes by the devastating hand of a ruthless and invading enemy, and notwithstanding the protracted period at which a portion of the loss sustained, was recompensed. That town has risen from its ashes, and notwithstanding, the remarks of the hon. member from the county of Welland, is by no means in that deplorable state that he is desirous of representing. But sir, I feel sorry for the hon. member, for he has a bad cause to advocate, and he is driven to the necessity of making these statements. As to the reduced value of property in Niagara or its locality - the jail is delapidated, placed in a swamp, and I can excuse him, he is bound to advocate the wishes of the Council, of which he is a member, and he will do his duty. The hon. member for the county of Haldimand has presented petititions (sic) from the county he represents, and mark the insidious character they say, pray, move it, but not to St. Catherines (sic), rather leave it where it is, this is liberal. But, sir, it has had its grand effect by shewing the selfishness of the proceeding. How (sic) Mr. Speaker, it is not necessary or expedient that the inhabitants of the Niagara District should be taxed to the extent of six or eight thousand pounds, for public buildings, when it can with great propriety be dispensed with. The Corporation of Niagara intend during the present year, erecting a Town Hall, which will contain all the necessary accommodation for holding the Courts, with Jury rooms, Judges rooms, and every thing that is necessary; and the present Court-house and Jail can be constructed into a Jail exclusively, and thereby rendered available to the public purposes of the district, which it would not be if this bill passes. I therefore conceive that the interest of the inhabitants of the Niagara District will be best consulted by the rejection of this measure, and the necessity for the imposition of any tax on the inhabitants of the District, rendered unnecessary[129].

(168)

Mr. Dickson moved, in amendment, seconded by the Honourable Mr. Solicitor General Sherwood, that the word "now," in the said motion, be struck out, and the words "this day six months" added thereto.

MR. THOMPSON said, the hon. member for the Town of Niagara has, in his laboured speech, sought to prove that the interests of the many should continue to be sacrificed to that of the few, or in other words, the interests of the Niagara District to that of the paltry town of Niagara. He (Mr. H.) (sic) trusted that this House will not, for party purposes, entertain any such absurdities, nor yet, that the length of abuse will be taken as a justification for its continuance. Sir, that hon. member has told you that the town of Niagara was once the seat of Government for Upper Canada, and continued to prosper as the District

town, so long as the inhabitants continued to rally around it. That it is located at an extreme corner of the District. That although the trade it long since enjoyed from the District has been superseded by prosperous surrounding towns; that yet it retains some trade from the inhabitants residing on the American shore of the Niagara River, and still a few highly respectable inhabitants continue to reside there, to whose interests the residue of the District should continue to be sacrificed. That the removal of the site would be a death blow to the said town, and therefore it is thus he claims the sympathy of this hon. House. Now, sir, although his assertions appear conclusive justifications for its removal, yet he (Mr. T) had supposed he would have gone further to enlighten your sympathies by adding the fact that those very residenters (sic) in said town have actually sought at the hands of the Municipal Council of that District, and from the justice of their importunities, obtained their influence by petitions to this hon. House, praying that the assessed value of real estate therein be reduced by Act of Parliament, to the fixed value of the most worthless swamp back in the vicinity of Lake Huron, for which no Sheriff could realise 2s 6d pr. ac. Sir, this is the estimation entertained by the very inhabitants whose opinion ought to be intitled (sic) to weight. And, sir, what is more, that application is entrusted to and ably urged by the hon. member himself. Mr. Speaker, can any hon. member with the least knowledge of the valuable and prosperous condition of the Niagara District, well settled as it is throughout with numerous thriving villages, affording at the doors of every neighbourhood mills of all kinds, as well as a cash market for the entire growth of a District, where real estate is sought after at almost any price, presume that the public business of the District should be dragged miles past their place of business for the sake of keeping up this very out of the way place, and that too at so great an indirect sacrifice. It is reasonable to presume that in the course of the year 8000 inhabitants have - as Jurors, Witnesses, Suitors, Municipal Councillors, Registry of Deeds, Searchers, &c. &c. - to visit the District Town, which, by the removal to Port Robinson, would average a saving of 20 miles in and out - 40 miles in all, at the usual fees of four shillings, 20 miles would amount to £4000, and much would be saved on Sheriffs and other fees. Again, in the present necessity of conveyance to and from that out of the way place, in fact we may presume that £6000 is thus undeniably lost in each year, which I contend cannot be justified. That all those public matters should be conducted in the most central part of the District so as to accommodate the greatest number of the inhabitants, at whose expense and for whose interest the public buildings are erected and maintained. That therefore it is the bounden duty of Government to support the present measure. That it does not follow that if the present measure carries other Districts would pursue the same course. None are nor yet can be so placed. (Hear, hear, hear.) Now, sir, as to the causes of this great blunder - After the war of 1812 to 1815, an act was passed authorising the magistrates of the district to locate the public buildings, up to which period, and indeed long since, no magistratrates (sic) were appointed, unless recommended by those very highly respectable

gentlemen of that town, whose notions of right and wrong was (sic) not over liberal. And they took good care to insure harmony on the Bench, by recommending none whose interests might clash. The result, therefore, was that the location was made fully 1½ miles out of the town, in a low sunken place, properly termed a swamp, and which, at certain seasons of the year, could only be approached on foot; but which, by a misapplication of the District funds has been considerably retrieved or improved. Still the inmates of that unfortunate gaol suffer from the location. At the time of said location it was loudly protested against by those who had no power to enforce justice, as their worships were fortified by an act of Parliament. The result of this unfair expenditure of the public money I have sufficiently shown, and all of which has been honorably paid. The district is now out of debt and prosperous. Since that time the whole is well settled, the population of the county of Haldimand, which I have the honor to represent, has doubled within two years, villages have grown up within sight of each other. Hydraulic power is used there to an astonishing extent; and that county, although clipped of some of its glory by the unwarrantable action of last session, for corrupt motives, is fast rising in magnitude, and already ranks in prosperity and independence, with the foremost county in the Province, and surely is entitled to claim at your hands justice. He asked nothing more: nothing less would be expected. In fact the whole district, with the exception of the towns of Niagara and Queenston, was unparalleled in improvement. Look at the rivers Welland and the Grand River; the Welland Canal and its feeders providing water communication with Port Robinson for almost every part of the district; and again, its grand leading roads intersecting that central position. Now, Sir, as to the position of Port Robinson: it is on elevated ground, by the deep cut, at the conjunction of the Welland Canal with the River Welland, healthy and well watered. It is a thriving village, embracing several merchants' shops, respectable inns, with hydraulic water power, &c. &c. Mr. Speaker, the inhabitants of the district have for years petitioned for the removal of this site to a central position. The present petitions are numerously signed from all parts of the District, and so convinced were the inhabitants of the township of Niagara of the justice of its removal, that they would not consent to sign a counter petition, & fortified by the unanimous vote of the Municipal Council of that District, praying not for money, nor yet aid, but for permission to remove the site from the present unhealthy location to one more central; the greater number of petitions say Port Robinson, which as already shown, would be a saving to the inhabitants in one year of expense quite equal to defray the erection of proper substantial public buildings with fire-proof vaults. Still he was not insisting on Port Robinson being named; let the bill be read a second time and referred to a special committee, who can, if they think proper, so alter the bill as to leave the location to the Municipal Council who, notwithstanding the opinion of the hon. member for the town of Niagara, are quite competent to deal with this matter. In conclusion, he begged to insist on the justice of thd (sic) petitioners prayer, they are mostly interested

parties and defray by direct taxation, the local expenses of the District, they have a right to claim at your hands that sought for, it is but equity and justice. He would now leave the matter to be dealt with, by the House relying upon an impartial decision.[130]

MR. DICKSON - This measure I find is very strenuously supported by the hon. member for Haldimand, the honble. and learned Mayor from Toronto, and an hon. member from one of the Ridings of York, Mr. Duggan. The observations of these gentlemen prove one of two things, that they are guilty of misrepresentation or ignorance, though one, I cannot suppose, the other is self-evident. The hon. and learned Mayor of Toronto seems to treat this matter with a degree of levity, and with which I am by no means disposed to permit; and he has made a great attempt at wit, which proved a failure; and I am satisfied that no member of this House is so much pleased with his speech as the hon. gentleman himself. The hon. member for Haldimand, like the hon. member for Welland, very naturally supports this measure, but he does so in a very different manner; he makes statements having no foundation in fact, and which represents a state of things he wishes did exist; but does not that hon. gentleman say that Niagara is so reduced that the people are praying to be reduced from certain taxes, and that I have introduced a bill for that purpose. Why did he not state the fact as it is, that I have introduced a bill upon a petition from that same body, the District Council, they knowing the impropriety of said tax being permitted to exist as lots in Niagara by the operation of the statute 59th George III. chap. 7, are rated at the sum of fifty pounds per annum, and he knows that this tax is not paid by other towns in the District, where, according to his own showing, land is more valuable, and he well knows that independent of the District tax, to which we are liable, that we are a corporate town and have to pay the taxes imposed by the Corporation, which was last year 1½d in the pound. He represents the jail being in a swamp, and in fact would lead hon. members to believe, if they placed any confidence in what he says, that Niagara was a loathsome and desolated village. Now a little in its favour: it is the most healthy town in Canada, situated on a point of land with the river on one side and the lake on the other, and the hon. member says nothing about the works of the Dock Company, on which £25,000 have been expended. Where were those beautiful steamers built that are floating on the bosom of Lake Ontario? at Niagara, where the hon. member or any one else, if they will pay for them, can get them turned out complete, lock, stock and barrel, with everything, from the engine to the most insignificant article required in their construction, furnished at these works. I did expect that in the course of this debate my hon. friend, the member for North Lincoln, would have taken part, but I am to attribute his not doing so to the circumstance of the petitions presented by the hon. member for Haldimand, saying don't take it to St. Catherines (sic). This is a staggerer for my hon'ble friend, and literally places him upon the fence, he considering no doubt that St. Catherines (sic) would not be an inelgible (sic) position. I consider it unnecessary to protract this debate, Mr. Speaker, and if hon. gentlemen who were desirous of

expressing their opinions have done so, I am now disposed to take the sense of the House on my amendment.[131]

(168)

The Question having been put on the motion of amendment, the House divided thereon.

Yeas 30
Nays 12

So it was carried in the affirmative.

The Question being then put on the main motion, as amended, it was agreed to by the House, and

Ordered, That the said Bill be read a second time this day six months.

Orders Postponed. *Ordered, That the remaining Orders of the Day be postponed until to-morrow.*

Then, on motion of the Honourable Mr. Attorney General Draper, seconded by the Honourable Mr. Viger,

The House adjourned.

APPENDIX, 27 APRIL 1846.

((QUESTION AND ANSWER RE: ABOLITION OF LODS ET VENTES.))[132]

MR. LAURIN made as (sic) enquiry of the Ministry as to the abolition of Lods et ventes.[133]

MR. AT. GEN. SMITH said that a bill was past (sic) last Session to allow the voluntary commutation; and he thought it premature to take any further steps; it was, therefore, not the intention of the government to act in the matter this Session.[134]

((MOTION PASSED OVER RE: COL. GUGY.))[135]

MR. SCOTT's motion to enquire into the conduct of Col. Gugy as Adjutant General of Militia ... ((was)) called[136].

That gentleman was reported absent.[137]

The motion therefore was passed over.[138]

FOOTNOTES - 27 APRIL 1846.

1. PILOT, 28 April 1846, copied by BATHURST COURIER, 5 May 1846, observed: "The House got through a good deal of business before its adjournment."
2. PILOT, 28 April 1846, copied by BATHURST COURIER, 5 May 1846, noted that the Committee reported "unanimously we understand."
3. The debate on this motion was reported by: MONTREAL GAZETTE, 29 April 1846, and BRITISH COLONIST, 8 May 1846, in identical accounts; COBOURG STAR, 6 May 1846; and MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts. There is a commentary in BRITISH COLONIST, 8 May 1846.
4. MIRROR, 27 April 1846.
5. MONTREAL GAZETTE, 29 April 1846.
6. MIRROR, 27 April 1846.
7. MONTREAL GAZETTE, 29 April 1846.
8. MIRROR, 27 April 1846.
9. MONTREAL GAZETTE, 29 April 1846.
10. MIRROR, 27 April 1846.
11. MONTREAL GAZETTE, 29 April 1846.
12. MIRROR, 27 April 1846.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this motion was reported by: MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts; MONTREAL GAZETTE, 29 April 1846; and PILOT, 28 April 1846, copied by BATHURST COURIER, 5 May 1846, noted it.
17. MIRROR, 27 April 1846.
18. MONTREAL GAZETTE, 29 April 1846.
19. IBID.
20. PILOT, 30 April 1846.
21. The debate on this matter was reported by: MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts; and MONTREAL GAZETTE, 29 April 1846, and BRITISH COLONIST, 8 May 1846, in identical accounts.
22. MONTREAL GAZETTE, 29 April 1846.
23. MIRROR, 27 April 1846.
24. MONTREAL GAZETTE, 29 April 1846.
25. MIRROR, 27 April 1846.
26. MONTREAL GAZETTE, 29 April 1846.
27. MIRROR, 27 April 1846.
28. IBID.
29. The debate on this matter was reported by: MONTREAL GAZETTE, 29 April 1846; and MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts.
30. MIRROR, 27 April 1846.
31. MONTREAL GAZETTE, 29 April 1846.

32. MIRROR, 27 April 1846.
33. MONTREAL GAZETTE, 29 April 1846.
34. MIRROR, 27 April 1846.
35. MONTREAL GAZETTE, 29 April 1846.
36. MIRROR, 27 April 1846.
37. MONTREAL GAZETTE, 29 April 1846.
38. MIRROR, 27 April 1846.
39. MONTREAL GAZETTE, 29 April 1846.
40. IBID.
41. IBID.
42. MIRROR, 27 April 1846.
43. The debate on this motion was reported by: LA MINERVE, 30 April 1846; MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts; PILOT, 28 April 1846, whose account was copied by BATHURST COURIER, 5 May 1846; and MONTREAL GAZETTE, 29 April 1846, KINGSTON NEWS, 4 May 1846, and BRITISH COLONIST, 8 May 1846, in accounts that were identical except that MONTREAL GAZETTE's and KINGSTON NEWS' reports included more speakers. Commentaries may be found in: PILOT, 30 April 1846; KINGSTON NEWS, 4 May 1846, copying MONTREAL TIMES; MONTREAL GAZETTE, 29 April 1846, whose commentary was copied by ST. CATHARINES JOURNAL, 7 May 1846. PILOT, 28 April 1846, copied by BATHURST COURIER, 5 May 1846, commented: "Mr. Sherwood's bill to amend the Usury Laws caused a long and animated debate."
44. MIRROR, 27 April 1846.
45. MONTREAL GAZETTE, 29 April 1846.
46. MIRROR, 27 April 1846.
47. MONTREAL GAZETTE, 29 April 1846.
48. MIRROR, 27 April 1846.
49. MONTREAL GAZETTE, 29 April 1846.
50. MIRROR, 27 April 1846.
51. MONTREAL GAZETTE, 29 April 1846.
52. MIRROR, 27 April 1846.
53. MONTREAL GAZETTE, 29 April 1846.
54. MIRROR, 27 April 1846.
55. MONTREAL GAZETTE, 29 April 1846.
56. MIRROR, 27 April 1846.
57. MONTREAL GAZETTE, 29 April 1846.
58. MIRROR, 27 April 1846.
59. MONTREAL GAZETTE, 29 April 1846.
60. MIRROR, 27 April 1846.
61. MONTREAL GAZETTE, 29 April 1846.
62. MIRROR, 27 April 1846.
63. MONTREAL GAZETTE, 29 April 1846.
64. IBID.
65. MIRROR, 27 April 1846.
66. IBID.
67. IBID.
68. MONTREAL GAZETTE, 29 April 1846.

69. MIRROR, 27 April 1846, described Aylwin's remarks as "eloquent."
70. MIRROR, 27 April 1846.
71. MONTREAL GAZETTE, 29 April 1846.
72. MIRROR, 27 April 1846.
73. MONTREAL GAZETTE, 29 April 1846.
74. MIRROR, 27 April 1846.
75. MONTREAL GAZETTE, 29 April 1846.
76. MIRROR, 27 April 1846.
77. MONTREAL GAZETTE, 29 April 1846.
78. MIRROR, 27 April 1846. KINGSTON NEWS, 4 May 1846, quoting the MONTREAL TIMES, pronounced J. A. Macdonald as the "ablest speaker on either side" in this debate.
79. IBID.
80. MONTREAL GAZETTE, 29 April 1846.
81. MIRROR, 27 April 1846.
82. LA MINERVE, 30 April 1846.
83. MIRROR, 27 April 1846.
84. MONTREAL GAZETTE, 29 April 1846.
85. MIRROR, 27 April 1846.
86. MONTREAL GAZETTE, 29 April 1846.
87. MIRROR, 27 April 1846.
88. IBID.
89. IBID.
90. IBID.
91. LA MINERVE, 30 April 1846.
92. MIRROR, 27 April 1846.
93. MONTREAL GAZETTE, 29 April 1846.
94. LA MINERVE, 30 April 1846.
95. MONTREAL GAZETTE, 29 April 1846.
96. MIRROR, 27 April 1846.
97. MONTREAL GAZETTE, 29 April 1846.
98 MIRROR, 27 April 1846.
99. MONTREAL GAZETTE, 29 April 1846.
100. MIRROR, 27 April 1846.
101. MONTREAL GAZETTE, 29 April 1846.
102. MIRROR, 27 April 1846.
103. MONTREAL GAZETTE, 29 April 1846.
104. MIRROR, 27 April 1846.
105. MONTREAL GAZETTE, 29 April 1846.
106. MIRROR, 27 April 1846.
107. IBID.
108. IBID.
109. MONTREAL GAZETTE, 29 April 1846.
110. MIRROR, 27 April 1846.
111. IBID.
112. MONTREAL GAZETTE, 29 April 1846.
113. MIRROR, 27 April 1846.
114. MONTREAL GAZETTE, 29 April 1846.
115. MIRROR, 27 April 1846.

116. MONTREAL GAZETTE, 29 April 1846.
117. MIRROR, 27 April 1846.
118. LA MINERVE, 30 April 1846.
119. MIRROR, 27 April 1846.
120. LA MINERVE, 30 April 1846.
121. MIRROR, 27 April 1846.
122. LA MINERVE, 30 April 1846.
123. MIRROR, 27 April 1846.
124. IBID.
125. MONTREAL GAZETTE, 29 April 1846.
126. MIRROR, 27 April 1846, observed: "owing to the noise in the House, we could not catch more than a word now and then in the reporter's box."
127. The debate on this matter was reported by: MIRROR, 27 April 1846, which misdated the account as 29 April 1846, PILOT, 5 May 1846, and ST. CATHARINES JOURNAL, 21 May 1846, which acknowledged its source as GLOBE, in identical accounts.
128. MIRROR, 27 April 1846, misdated as 29 April.
129. IBID.
130. IBID.
131. IBID.
132. The debate on this matter was reported by: MIRROR, 27 April 1846, and PILOT, 30 April 1846, in identical accounts.
133. MIRROR, 27 April 1846.
134. IBID.
135. The debate on this matter was reported by: MONTREAL GAZETTE, 29 April 1846; and LA MINERVE, 30 April 1846.
136. MONTREAL GAZETTE, 29 April 1846.
137. IBID.
138. IBID.

(168)

Petitions laid on the table. THE following Petitions were severally brought up and laid on the table.

By Mr. Jobin,--The Petition of G. L. Perry and others, residing on a certain part of the road between Montreal and the Parish of Sault au Recollet; and the Petition of the Reverend A. Duranseaux and others, of St. Michel, Lachine.

By the Honourable Mr. Moffatt,--The Petition of the Honourable Austin Cuvillier and others, Citizens of Montreal.

School Lands Bill. An Engrossed Bill to amend the Act therein mentioned, relating to the appropriation of Monies derived from the sale of School Lands in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Roblin do carry the said Bill to the Legislative Council, and desire their concurrence.

Magdalen Islands Bill. An Engrossed Bill, relating to the Magdalen Islands, in the Gulf St. Lawrence, and to enable the inhabitants, householders thereof, to establish a Municipal Council in the said Islands, was read for the third time.

Resolved, That the Bill do pass, and the Title be, "An Act relating to the Magdalen Islands, in the Gulf St. Lawrence, and to enable the inhabitants, householders therein, to establish a Municipal Council in the said Islands, and to extend like advantages to certain localities in the County of Saguenay, and to those parts of the Counties of Rimouski and Kamouraska, known as the Madawaska Territory."

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Public Roads Bill. An Engrossed Bill, to prevent the opening of Government allowances for Roads, without an order from the Municipal Council of the District in which the said allowances are situated, was read for the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to prevent the opening of Government allowances for roads, without an order from the District Council of the District in which the said allowances are situate."

Ordered, That Mr. Sherwood, of Brockville, do carry the said Bill to the Legislative Council, and desire their concurrence.

Penitentiary Bill. An Engrossed Bill, to consolidate and amend the Laws relating to the Provincial Penitentiary, was

read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Draper, do carry the said Bill to the Legislative Council, and desire their concurrence.

District Courts Bill. An Engrossed Bill to amend an act passed during the last Session of this Parliament, intituled, "An Act to amend, consolidate, and reduce into one Act, the several laws now in force, establishing or regulating the practice of District Courts in the several District of that part of this Province formerly Upper Canada," was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Draper do carry the said Bill to the Legislative Council, and desire their concurrence.

Dempsey's Relief Bill. An Engrossed Bill to authorize the Courts of Queen's Bench, and of Chancery in Upper Canada, in their discretion, to admit John W. Dempsey to practice as an Attorney and Solicitor therein, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Gowan do carry the said Bill to the Legislative Council, and desire their concurrence.

Oxford Election. Mr. Chauveau, Chairman of the Select Committee, appointed to try the merits of the Petition of the Honourable Francis Hincks of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, presented to the House the following Report:--

Your Committee, in their Sitting of this Day, passed the following Resolution:--

Resolved, That the Chairman do ask leave of the House to adjourn until Thursday next, at nine o'clock, A.M.

Ordered, That the said Committee have leave to adjourn until Thursday next at nine o'clock, A.M.

Petitions referred:-- J. T. Brondgeest, et al. references. Ordered, That the Petition of J. T. Brondgeest, Esquire, and others, of Hochelaga, be referred to the Select Committee, to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other

L. E. Manseault, et al. E. G. Dugré, et al. Ordered, That the Petition of L. Esdras Manseault, Esquire, Mayor, and others, the Municipal Councillors of the Parish of St. Antoine de la Baie du Febvre, in the County of Yamaska; and the Petition of Edward G. Dugré and others, of the

Parish of St. Michel d'Yamaska, be referred to the Select Committee, to which was referred the Petition of P. Besse and others, of Chambly, in the County of Chambly.

West Halton Election. Mr. Williams, from the Select Committee appointed to try the merits of the Petition of James Durand, (169) Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton; reported that the Committee met this day, pursuant to the adjournment of yesterday, but in consequence of the absence of Mr. Chabot, a Member of the Committee, they were unable to proceed to business.

Ordered, That Mr. Chabot, Member for the City of Quebec, do attend in his place in this House at the next sitting thereof.

Agricultural Societies, (Two Mountains.) Mr. Scott, from the Select Committee to which was referred the Petition of the Reverend J. Paquin and others, of the County of Two Mountains, and another reference, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee, after mature deliberation, are unanimously of opinion,

Report. 1st. That the Petition of the Reverend J. Paquin and others, praying that each Parish or Township in the County be authorized to hold separate Agricultural Societies, ought not to be granted, but in consideration of the great extent of the said County, they ought to have at least two places for holding such Societies, and that St. Andrews and St. Eustache be the places in the said County, and that two such places be also allowed to the County of Berthier, and that each such Society be held obliged to conform to the [illegible] rules and regulations, as if but one District Society were allowed.

2nd. It appears reasonable and just that the prayer of the Petition of the Vice President on behalf of the Montreal District Agricultural Society be granted, and that they may be allowed to expend the money still remaining in their hands, amounting to £74 5s. as if the time had not elapsed for so doing, in the purchase of animals of an improved breed, grains and seeds, and also, of improved agricultural implements for the use of the said District.

Bill. Ordered, That Mr. Scott have leave to bring in a Bill to allow the formation of more than one Agricultural Society in a County in Lower Canada, and for the relief of the Society for the County of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to read a second time on Friday next.

Registry Laws Bill, (U.C.) The Honourable Mr. Solicitor General Sherwood, from the Select Committee to which was referred the

Bill to consolidate and amend the Registry Laws of Upper Canada, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House to-morrow.

Private Bills. *Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Eleventh Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--*

Commercial Bank Charter Amendment Bill. *Your Committee have examined the Bill to amend an Act, intituled, "An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its capital Stock," and have made several amendments thereto, which they submit to your Honourable House.*

Hamilton Incorporation. *They have also considered the Petition of Sir Allan N. Macnab and others, praying for an extension of the limits of Hamilton, and that the said Town be erected into a City.*

Sisters of Charity of General Hospital, (Montreal.) *Also, the Petition of Sister E. Forbes dite M'Mullen and others, Sisters of Charity of the General Hospital of Montreal, (Soeurs Grises) praying to be empowered to sell certain portions of their property, and they beg to recommend that the prayers of the said Petitions respectively, be granted.*

Message from Legislative Council. *A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.*

Bronté Harbour Bill. *MR. SPEAKER,*

The Legislative Council have passed the Bill, intituled, "An Act to revive and extend an Act of the Parliament of Upper Canada, third Victoria, chapter thirty-three, intituled, 'An Act to incorporate certain persons, under the name and style of the "President, Directors and Company, of the Bronté Harbour," '" without any amendment.

And then he withdrew.

MR. DRUMMOND[1] asked whether it was the intention of Government to repeal certain acts, commonly called Court Martial Ordinances[2], of Lower Canada, or to remove the attainders from persons convicted under them.[3]

MR. AT. GEN. SMITH said the Government had not that intention[4] pour le présent[5].

MR. DRUMMOND would also wish to know whether the Government intended to compensate certain individuals who had suffered during the late rebellion for the loss of their tenements and other property?[6]

MR. AT. GEN. SMITH said that the Government had no such intention in contemplation. (Hear, hear.)[7]

MR. COLVILLE ... moved for an address to His Excellency, praying for a statement of the processes on certain lands seized by the Sheriff. The hon. member stated that the parties against whom these processes had issued were those mentioned by the hon. member for Portneuf a few moments before[8]. A number of his constituents[9], who had been transported for the share taken by them in the late troubles,[10] on returning to their homes after the rebellion had found their houses burned down and their lands seized by the Sheriff.[11] Under the attainder to which they had been subjected by that sentence[12], the Crown had not sold the lands, and he hoped never would, nor would permit the Sheriff to do so. But the seizure was not taken off, and those people who[13] were anxious to sell their lands[14] ((or)) to give them to their children, or otherwise dispose of them, could not do so[15] on account of the seizure still continuing in force, although he had every reason to believe that it was never intended to be carried out, and although in fact, he understood that the parties had been told that they would be remitted on the payment of costs.[16] His object in moving this address was that[17] the act of grace would be performed in a generous[18], open-handed[19] and liberal manner, and that Government would itself discharge the costs[20], so as to enable these unfortunate individuals to take possession of what was rightfully theirs.[21]

MR. DRUMMOND had great pleasure in seconding the motion of the hon. member for Beauharnois, as it would give him an opportunity of explaining the question he had put the Ministry a few minutes previously. The facts which the hon. member had just stated were not peculiar to his county; and his object in bringing it before the Ministry was to claim their attention to the subject[22]. So far from blaming the conduct of the various parties who had been at the head of the Government since the occurrence of the events which gave rise to this motion, he had great pleasure in expressing his opinion that they had behaved in a most generous and liberal manner. He (Mr. Drummond) had put in oppositions to these seizures, and had met with the greatest courtesy from the law officers of the Crown, but[23] it was a strange thing that when he (Mr. D.) had attempted to impugn the illegality of these seizures,[24] he was sorry to say, that a Judge - he was ashamed to say such a thing of any British Judge - but a Judge had declined to hear the cause[25] ((and)) refused to sign the opposition he had in his hand. That Judge had told him: "Sir, I would sign your opposition, if it were a solitary one; but I fear you have twenty more in your pocket."[26] He had replied to that - "No, I have not so many in my pocket; they are rather too bulky for that, but I must confess I have thirty in my office." What did the House suppose was the reply?[27] "There, sir," said the Judge, "there it is, by signing these documents we would be placed immediately in opposition to the Crown[28], ((and)) the Government of the country."[29] A most strange answer, and one which he was sorry to hear from the mouth of a British Judge, to whom the protection of the rights of the

subject ought to be paramount to every other consideration.[30] He brought the question forward in no bad spirit, but[31] his sympathies were enlisted in behalf of these unfortunate people, who had suffered greatly, and are still suffering[32] ((and)) whom he could not bear to see suffering,[33] ((and)) still kept from their homes[34] when others, more guilty than they, were rewarded for the same offence.[35] (Hear.)[36] Nor did he bring it forward because he desired to justify the conduct of which these men had been guilty.[37] Any one with true and British feeling must pity them, on arriving in the Province from a long transportation, which was, most undoubtedly illegal.[38]

A Ministerial member;--"attempt to excuse them now."[39]

MR. DRUMMOND ((continued:)) No; he would not made (sic) such an attempt.[40] Even if he thought that, when the insurrection took place, the time had come when constitutional methods having failed, it was necessary to resort to violence - and he did not think that that time had come - even then, he would say that the men were worthy of the severest punishment who rose against the constituted authorities without an absolute certainty of success.[41] He did not wish to excuse those persons who ... had not a certainty of success. (Loud cheers.) Did hon. members think that he approved of the efforts of the Poles, ground down by tyranny as they are, to shake off the yoke that oppressed them so heavily? Far from it[42]. Sympathizing, as he did, with ... ((them)), he still blamed them for their actions, because their actions were those of mad-men[43], a display of hopeless madness, as in the case which he had just mentioned. He was afraid that hon. members misapprehended him. He admitted that those men were highly criminal in the attempt they made; he did not wish to say that their wrongs could not have been redressed by legal steps, on the contrary, he thought they could, but they were not aware when they took up arms, that they had done so against the rules of Government, as was proved before the Court Martial which condemned them, and therefore those men should not have suffered through their ignorance, but those who willingly led them to the commission of crime. But having suffered that penalty,[44] these poor men had returned from exile, but they had done so only to find their houses burnt[45] to the ground,[46] and their lands in the hands of strangers or the Government[47]. He did not believe that such was the intention of the Government, he did not believe that the Government had any desire to exercise such severity,[48] he hoped mercy would not stop half way[49], and the reason why he now addressed the House, was that the Government might come to some conclusion at once.[50] As he understood, that the lands were to be eventually restored, he hoped that they would be of service to the owners. Before he sat down, he desired to repeat that the Hon. Attorney General had behaved in the most generous and liberal manner,[51] having offered him every assistance in his efforts to remove the restrictions from the people holding these lands and he hoped that a better state of things would eventually come round. In conclusion he would state his opinion, that he felt certain the motion of the hon. member for Beauharnois was not intended to embarrass the

Government, nor had he that end in view in putting his questions to the Government.[52]

MR. GOWAN was surprized (sic) to hear the hon. gentleman, who had just sat down, attempt to justify these guilty parties.[53] Some expressions which had fallen from ((him)) were well calculated to awaken old feelings.[54]

MR. DRUMMOND desired to explain. He had never attempted[55], or desired[56], to justify these people, but on the contrary had said just the reverse.[57]

MR. GOWAN was delighted to hear the hon. member say so.[58] ((He)) understood the hon. gentleman had intended to justify these parties, but putting that matter out of the question, he would support the address[59]. He (Mr. G) had almost stood alone on a former occasion,[60] ((when)) he had supported a similar measure in Upper Canada in 1845.[61] He trusted there was no necessity for this motion, as it had become an established principle with Responsible Government, that property should not be confiscated for the political principles of its owners. In Scotland the property of the persons who had been out in forty five had been vested in them or their children, and the act of confiscation annulled. In Upper Canada the same clemency was exercised, and he could not see any necessity for observing a different rule with respect to Lower Canada[62]. He trusted the same measure of mercy would be dealt out to Lower Canada[63]. He was therefore anxious that no obstacle should be thrown in the way of this motion, and hoped the House would give an unanimous expression of its concurrence.[64]

MR. COLVILLE rose to disabuse the minds of hon. members if they suspected that his motion was made with the view of embarrassing the Government. He hoped no one would think anything of the kind. He had been informed that if the individuals whose claims he advocated paid the law costs, the seizure would be taken off their lands and his object in moving this address was, that the payment of the law costs might be dispensed with.[65] He was desirous to have this matter settled in such a manner that it might be known whether Government would or would not remit these seizures without the fees. If they would not, he would be happy to get up a subscription to pay them, and would[66] be happy to put his own name down first.[67]

MR. AYLWIN said that the hon. member for Beauharnois might save himself the trouble of subscribing for the payment of these fees,[68] it being impossible for the Government to recover any law costs[69]. He (Mr. Aylwin) would tell him that the whole of the proceedings of the Special Council[70] ((and its)) Court Martial Ordinances[71] were null and void.[72]

MR. HALE: Hear, hear.[73]

MR. AYLWIN ((resumed:)) Yes, hear, hear![74] The hon. member for Sherbrooke cried "hear, hear," he was not suprised (sic) at it, that hon. member being himself one of the special Council, (hear, hear,)

under whose[75] Ordinance[76] ((and)) sanction every description of violence; ay murders[77] were perpetrated - yes, judicial murders - which had been declared to be so by the highest authority,[78] and if he chose, he could mention one name which would carry weight with[79] all parties in the House[80], and arouse the feelings of hon. members.[81] Whatever the moral guilt of the individuals might be, one thing was certain, that the machinery by which the Courts who pronounced these judgments were got up, was of a sort by which no Court could be authorized to render judgment. This Court passed sentences which were declared by every lawyer to be illegal, for they had pronounced men to be guilty of high treason, and then sentenced them to be transported. Who ever heard of such a punishment for such an offence?[82] The great contrariety of legal opinions as to the acts of that Council he should think would be quite sufficient proof of his assertion, and he would repeat what he had said again that the whole of the procedings (sic) under those Court Martial Ordinances being null and void, and he would give a very high authority on the subject. (Name, name.)[83] He thought the hon. member for Three Rivers was the member who of all others ought to interest himself in this matter, he (Mr. Aylwin) would have introduced some such measure himself, but he thought he was not worthy of the honour of doing so, (laughter).[84] The hon. member for Three Rivers could have no difficulty in expressing the opinions that he had given vent to so often. Was that hon. member ashamed of his imprisonment, that on this occasion he was silent. If so, he should say so at once, and it would confirm all that had been said and written of him formerly, by those whom he now supports, but whom he (Mr. A.) could not believe condescended to be his supporters. (Cheers.) The hon. member for Three Rivers was well acquainted with the course of events at that time, and he would ask, why did he sit silent and allow the hon. member for Beauharnois to bring in the motion now before the House.[85]

MR. COLVILLE, because my constituents were sufferers.[86]

MR. AYLWIN, and was there anything singular in the position of the hon. member for Beauharnois, that he should be the chosen champion of those sufferers not only in his own county, but in many others.[87] He had thought the honor ought to be reserved for someone of French Canadian origin, and even now, he was at a loss to understand what there was that peculiarly brought the matter within the province of the hon. member for Beauharnois. He did not know what there was to induce him to come forward in favour - not of people who were exiled to Paris - no, no, not in favor of people exiled to Paris, but of those who had been sent to Van Dieman's Land.[88] ((Yes,)) that motion should have been introduced by a French Canadian and if by one member more than another, it should have been the hon. President of the Council. But he had forgot the hon. President, is not now the member for Richelieu, and consequently his position is somewhat altered, and he would appeal to every hon. member in the House, whether they conceived that hon. gentleman was entitled to support.[89]

Shouts of "Yes yes" from the ministerial Benches.[90]

MR. AYLWIN ((resumed:)) Hon. gentlemen opposite cried "Yes," but the first one to do so was a member of the late Special Council, the hon. member for Sherbrooke, the happy respresetative of a town without a constituency.[91]

Hear, hear from MR. HALE.[92]

MR. AYLWIN did not at all wonder at the hon. member feeling a little hurt, since the whole of the Acts he was so fond of were mutilated with the exception of that one which the hon. member for Beauharnois was trying to get rid of, and the pang must be more severe as it was caused by a friend who supported the Government on every occasion, and on all occasions when any small support was required.[93] He would tell the House that when he had had the honour to hold the commission of Her Majesty as Solicitor General, he had been directed to carry out these executions by the Hon. Attorney General, and he had declared that he could not do so on account of his opinion of the illegality of the whole proceedings.[94] In conclusion he advised the hon. member for Beauharnois, to withdraw his motion, for he could defy the Government to carry out those proceedings or to recover any law costs, and he could have hoped that the Government which was so liberal in granting indemnities for political offences in Upper Canada, would have extended the same liberality to this part of the Province, and saved the hon. gentleman so much trouble.[95]

MR. AT. GEN. SMITH - said it appeared that the hon. member for Quebec was under the impression that opposition on the part of the Government would be offered to the passage of the address. He would assure the hon. gentleman that there would not be the slightest[96] impediment ... placed in its way.[97] But he conceived the fact <u>really</u> was that he could not let slip the opportunity of launching some of his anathemas against the hon. President of the Council. He would mention that shortly after being appointed Attorney General,[98] eight months ago[99], he had received instructions to set all the prosecutions aside, and take the seizures off these lands, on the condition that the claimants should pay the actual law costs, (hear, hear) and he would take this opportunity of saying that hon. members were altogether under misapprehension if they conceived that the Government threw any difficulties in the way. He, in his capacity of Attorney General, acting according to his instructions, had done every thing in his power to relieve the claimants, but it had been hitherto impossible for him to do so, in consequence of being unable to get from the prothonotaires the actual amount of costs, the records not being before the Court.[100]

MR. AYLWIN - Why not dismiss them then? Why not dismiss the prothonotaries?[101]

MR. AT. GEN. SMITH - The hon. gentleman asked why the Prothonotaries were not dismissed?[102] ((He)) was yet to learn that summary dismission was the proper[103] ((and)) legal course[104] to adopt in such a case[105]. (Hear, hear.) But the course which he would take, and which he understood to be strictly legal, was to compel the Prothonotaries,

by an order of the Court, to produce the records (Hear)[106], if they were in their power.[107]

MR. DRUMMOND rose to offer an explanation. He was far from attributing any intention, on the part of the Crown officers, to obstruct him. On the contrary, with the greatest generosity, they had assured him, if he wished to raise a contestation, that they would aid him with all the means in their power. (Hear.)[108]

MR. BALDWIN said if he understood the hon. Atty General East, the reason given by that learned member for not having, some 9 or 10 months ago, furnished the particulars of the costs referred to, was, that the necessary records could not be had from the officers of the[109] Court of King's Bench[110]. Was it possible that an officer of the Crown, holding office during pleasure, could resist the Government 8 or 10 months? How long was that to last? If it were necessary to take steps to compel these officers to produce the documents, could it not be done in the course of 8 or 10 months? A great deal was said about delay in the Chancery Courts in Upper Canada; but he thought that if such delay as that then in question were common, a comparison between the despatch of business in the Civil Courts of Lower Canada, and in the Court of Chancery of Upper Canada, would certainly be in favour of the latter. He (Mr. B.) should, however, say, that he thought it impossible that the Government should have pressed their demand. He (Mr. B.) differed with the members who said that was the time for remarks. He thought it was desirable to elicit the views of Ministers, and therefore it was that an address was preferable to a mere question.[111] One other thing, he would remark upon: it was, that he hoped the members of the administration would not allow the address to pass unless they were prepared to advise an answer to it, for he thought that nothing could be more inconvenient than addresses of this kind being presented without receiving answers.[112] He hoped that if the Ministers were not in the present instance prepared to advise a favourable answer to the address, that they would then come out boldly and say so. He agreed with his hon. friend from Quebec in saying that when the Government brought in a measure of clemency in reference to Upper Canada, the people of Lower Canada had a right to look for a similar measure; and he also thought that considering the character and history of the hon. President of the Council, there was a good reason for expecting such consideration for Lower Canada. But he (Mr. B.) thought that the matter of costs was a most miserable, pitiful question to exist between the Crown and the people. He did not know the peculiar regulations regarding costs in Lower Canada, but he was aware of the general principle, that the Crown would neither give nor take costs. But be that as it might, he would repeat that it was most paltry that such a barrier should exist to the removing of the last remnant of those unhappy difficulties which all then regretted, and which should, if possible, be completely swept from the momory of all. (Hear, hear.)[113]

MR. AT. GEN. SMITH wished it to be understood that the Government did not resist the address, but, on the contrary, wished it to be adopted. With regard to not getting the records,[114] it would be improper at that

time to state the reasons which had prevented him from proceeding to enforce the delivery of the papers by legal proceedings,[115] but he thought that when they were backed by the address of that House they would be in a better position to press their demand.[116]

MR. AT. GEN. DRAPER said that the obervations (sic) of an hon. member on the other side of the House were calculated to make it appear that the Government desired to throw obstacles in the way of those individuals regaining possession of their lands, and that a less degree of favour was shown to one section of the Province than another. But he could assure hon. members that the Administration were most desirous to remove all the difficulties of their position. With reference to the expressions of surprise which fell from the hon. member for the Fourth Riding,[117] perhaps the hon. member ... would not have been so much astonished at the difficulty which had been experienced in procuring the documents in question from the Prothonotaries, had he known that the same thing had occurred with the Clerk of the pleas of the Crown in Upper Canada, that officer having allowed the papers to go out of his hands, into those of Attorneys of the Court.[118] It surprised him (Mr. D.) quite as much as it seemed to do that hon. member, when on going to an officer for information he found the papers were not in his possession.[119]

The address was then carried unanimously.[120]

(169)

On motion of Mr. Colville, seconded by Mr. Drummond,

Address, Law Costs on Lands of persons Transported. *Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to direct the proper officer to lay before this House, a Statement of the Law costs due on certain Lands belonging to individuals who were transported for taking part in the late Rebellion.*

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Returns to Addresses. *The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House by command of His Excellency the Governor General,*

Mining, &c. *Return to an Address from the Legislative Assembly to His Excellency the Administrator of the Government, dated the 14th instant, praying that His Excellency would be pleased to cause to be laid before them "A Statement of all Location Tickets for occupation of Lands for Mining and other purposes, in that part of this Province, which heretofore constituted the Province of Upper Canada, and the names of the parties to whom the same have been [illegible]."*

SECRETARY'S OFFICE,
Montreal, 27th April, 1846.

No "Location Tickets for occupation of Lands, for Mining or other purposes," a statement of which is applied for in the Address of the Legislative Assembly, have been issued by the Government.

Licenses to explore the North and North-Eastern shores of Lake Superior for Mines and Minerals, a copy of which is transmitted herewith, have been granted to the following individuals:--

John Prince, W. C. Meredith, S. B. Harrison, Edward Ryan, Chs. Bockus and Donald Ross, Thos. Ryan, John Stuart, Jas. Bell Forsyth, Arthur Rankin, Stephen J. Lyman, Peter M'Gill and others, A. D. M'Lean, George Desbarats, W. B. Jarvis and others, John Ewart, Robt. J. Turner, Allan M'Donnell, Jas. Wilson, W. Hamilton Merritt, Chs. Jones, James Hamilton, A. & S. Bagg, James Ferrier, Stewart Derbishire.

By Command,

D. DALY,
Secretary.

Copy.

By His Excellency the Right Honourable Charles Theophilus, Baron Metcalfe, of Fernhill, in the County of Berks, G.C.B., Governor General of British North America, &c. &c. &c.

To all to whom these presents shall come,

GREETING,

(170)

Whereas the following Report of a Committee of the Executive Council of Canada, has been approved in Council, with reference to a communication from respecting certain Mines, supposed to exist in the neighbourhood of Lake Superior, that is to say:--"The Committee have taken into consideration the application of and are of opinion, that the interests of the Province may be promoted by the said being authorized by License, to Survey, Explore, and Search for Mines and Minerals in and through the Region and Lands lying on the North and Eastern shores of Lake Superior, such Survey and Search being made free of expense to the Government, to be faithfully made, and a Report of the result transmitted with all convenient speed to the Secretary of the Province, for the information of the Government of the said Province; and should the exploration in question, by the said prove satisfactory, the Committee would recommend them as entitled to a preference in any arrangement to be hereafter agreed upon. The said preference being understood to mean, that should the said discover a bed or beds of Ore, which they may consider an object to work, they shall be regarded as entitled to a License of authority over such tract of Land, for such period and upon such terms as the Government may see fit to establish, when it is possessed of fuller information."

Now, Know ye, that reposing trust and confidence in the loyalty, integrity, and ability of him the said I have, in accordance with the before-mentioned Report of Council, authorized and

empowered, and do by these presents authorize and empower him the said to Survey, Explore, and Search throughout the said Regions and Lands in the neighbourhood of Lake Superior, for the purpose above-mentioned, under the express conditions and terms, and with the understanding conveyed in the before-mentioned Report of Council, and therein mentioned and expressed.

Also,

Ontario and Huron Road Expenditure. Return to an Address from the Legislative Assembly, to His Excellency the Administrator of the Government, dated the 27th ultimo, "requesting His Excellency to inform them respecting the expenditure of the Thirty Thousand Pounds, granted by the 4th and 5th Victoria, chap. 28, for improving the main Northern Road from Lake Ontario at Toronto, to Lake Huron."

"First, The amount expended by the Board of Works, under Mr. Hawkins, for Exploring and Surveying the Road from Bradford to Barrie, and for similar expenses on the Road from Bradford to Barrie, via Bond Head and the Essa Line."

"Second, The amount paid for similar expenses to the above on the Penetanguishine Road, from Barrie to Penetanguishine."

"Third, The amount expended in improving the Coldwater Road, from the Village of The Narrows to Coldwater, under the superintendence of Mr. Hawkins, distinguishing the amount expended for labour done on the road, by contract or otherwise, from that paid for salaries of Engineers, Overseers, Paymasters, and other Assistants."

"Fourth, The amount expended in extending the Road from Coldwater to Sturgeon Bay, on Lake Huron, under Mr. Hawkins, showing the amount paid for labour, and that for Superintendents, separately, as in the last; and also by what authority this extension of the Road was ordered."

"Fifth, The amount expended in Building and Repairing the Bridge over the Narrows of Lake Simcoe, and making the Road from it to the Village of The Narrows, and also stating by what authority that expenditure took place."

"Sixth, The amount expended in Exploring, Surveying and Estimating for work on the Whitby and Lake Simcoe Road, by Mr. Lyons, during the past years, preparatory to expending the sum of Two Thousand Pounds, granted during the last Session, for continuing the improvements of that Road."

No. 507.

BOARD OF WORKS,
Montreal, 25th April, 1846.

SIR,

I have the honour herewith to transmit, for the information of His Excellency, the Governor General, the Statement, called for by an Address of the House of Assembly, "respecting the expenditure of the £30,000 granted by the 4 & 5 Vic., ch. 28, for improving the Main Northern Road from Lake Ontario, at Toronto, to Lake Huron."

1st and 2nd.--"The amount expended by the Board of Works, under

Mr. Hawkins, for exploring and surveying the road from Bradford to Barrie, via Bond Head and the Essa line; also, 2nd, The amount paid for similar expenses to the above on the Penetanguishine road from Barrie to Penetanguishine."

The Statement shews the gross amount of these expenses, but from the continued and conflicting representations and memorials which were from time to time made in favour of and against the respective lines, repeated surveys had to be made, the expenses attendant upon which are all embraced in the one account, as rendered.

3rd.--Statement shewing "the amount expended in improving the Coldwater Road, from the Village of The Narrows to Coldwater, under the superintendence of Mr. Hawkins, distinguishing the amount expended for labour from that paid for salaries of Engineers, Overseers, Paymasters, and other Assistants."

4th.--"The amount expended in extending the Road from Coldwater to Sturgeon Bay on Lake Huron."

This sum is included in the preceding. There was no separate account kept of the expenditure upon the portions of the Coldwater portage road.

The object of this part of the appropriation was two-fold. First, to connect the navigation of Lake Simcoe at the Narrows, with a suitable and safe landing place on Lake Huron, by the improvement of the Coldwater portage. Sturgeon Bay was necessarily the terminating point, and that it is desirable to finish the road thereto as soon as possible, the present urgent applications for the completion of the termination of the road at the pier or wharf at Sturgeon Bay satisfactorily prove. The second benefit proposed to be derived from the improvement of this road was, that it could be extended to the head of the Scugog and Windsor Harbour road, and thereby afford a very direct communication from Lake Ontario, at Windsor Harbour, to Lake Huron, at Sturgeon Bay.

5th.--"The amount expended in building and repairing the Bridge across the Narrows of Lake Simcoe, and making the road from it to the Village of The Narrows."

The cost of the Bridge is shown in the accompanying Statement; the cost of that portion of the road is also included in the general expenditure upon the Coldwater portage road from the Narrows of Lake Simcoe to Lake Huron.

One of the proposed objects of this expenditure being, as already stated, towards the opening of a direct line of communication from Windsor Harbour on Lake Ontario, to Sturgeon Bay, on Lake Huron the construction of this Bridge was naturally involved therein,--that it was so considered, the many and urgent memorials from that section of the county at the time of its commencement sufficiently shews, and the subsequent grant of money to open the road from the Bridge over the Narrows "to the head of the Windsor Harbour and Lake Scugog Road" clearly indicates the intention of the Legislature.

The several surveys made by Mr. Hawkins being preliminary to the

expenditure of the whole of this appropriation upon the various works embraced in it, the estimate for which (£33,333 7s. 5d + £6,500) was submitted to the Legislature at its last Session, the cost thereof is justly chargeable, not alone to the portion of road executed at the period of Mr. Hawkins' removal, but to the entire of the estimate.

I have the honour to be,
SIR,
Your very obedient servant,
HAMILTON H. KILLALY,
Chairman.

The Honourable D. DALY,
Provincial Secretary,
&c. &c. &c.

STATEMENT shewing the portion of the appropriation of 4 & 5 Vic., chap. 28, for improving the Main North Toronto Road from Lake Ontario, at Toronto, to Lake Huron, expended under Mr. Hawkins, and the amount expended on Survey of the Whitby and Lake Simcoe Road, from the £2,000 voted last Session of the Legislature.

SURVEY BY MR. HAWKINS OF ROADS FROM BRADFORD TO BARRIE.

	£	s.	d.	£	s.	d.
Examination of the road from Barrie to Penetanguishine, and the Cold-water Road; also a section of the Narrows of Lake Simcoe, 161 days.	201	5	0			
Pay lists of men employed on above . . .	159	11	1			
				360	16	1
Salary of Mr. Hawkins, from 9th January, 1844, to 28th July, 1845 . . .	309	11	10			
Salary of John Ryan, Bridge Keeper, and Assistant	66	5	0			
Travelling expenses of Mr. Hawkins, from January, 1844, to July, 1845. .	22	10	0			
Land damages paid sundry proprietors	32	18	0			
Postages	39	19	4			
Sundries, stationery, advertizing, &c. .	24	19	11			
				496	4	1
Labour by contract and day labour . . .				3339	15	4
Narrows Bridge				1544	5	2
				£5741	0	8
Survey by Mr. Lyons on the Whitby and Lake Simcoe Road . . .				54	10	2

Certified to be a true abstract from the documents in this Department.

THOMAS A. BEGLY,
Secretary.

BOARD OF WORKS,
22nd April, 1846.

Address of Congratulation. The Honourable Mr. Daly, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency, the Governor General, will receive this House with their Address of Congratulation to-morrow at one o'clock, P.M.

Adjournment. Ordered, That when this House doth adjourn, it will adjourn until to-morrow at half-past twelve o'clock, P.M.

Quebec School Society Bill. Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill to incorporate "the British and Canadian School Society" of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Mill-Dam Bill, (U.C.) Ordered, That Mr. Jessup have leave to bring in a Bill to afford relief to owners of Mill-Dams in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Moira Mill-Dam Bill. Ordered, That Mr. Murney have leave to bring in a Bill to require Slides of certain dimensions to be erected upon the several Mill-Dams in the River Moira in the County of Hastings.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Limits of Counties and Districts Bill, (U. C.) Ordered, That Mr. Jessup have leave to bring in a Bill to amend the Act for defining the limits of Counties and Districts in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Laurin, seconded by Mr. Chauveau,

Advocates and Attorneys Fees. Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of granting to Advocates and to Attorneys duly Commissioned, practising before

the Commissioner's Courts, in the Cities of Quebec and Montreal, and in the Town of Three Rivers, the same fees and emoluments as are allowed by the Judicature Act, 7 Vict. Chap. 16, in actions of the third Class, brought at the Inferior Terms and Circuit Courts.

The House accordingly resolved itself into the said Committee.

Mr. Hale took the Chair of the Committee,

A very long discussion ((took place)).[121]

The principal supporters of the bill were MESSRS. LAURIN, CHAUVEAU, CAUCHON and AYLWIN[122].

MR. AYLWIN especially mentioned the many very intricate cases which were tried before the Courts, and which arose from the most important mercantile transactions connected with shipping.[123]

The Bill was opposed by MESSRS. SHERWOOD, DRAPER and DEBLEURY, and MR. DRUMMOND.... ((They)) contended that the passing of the bill would occasion increased litigation by inducing lawyers to encourage suits in these petty Courts[124].

MR. DRUMMOND, ((though he opposed the Bill)) thought that Mr. Aylwin had made out a very strong case in favour of applying the principle of the bill to the city of Quebec.[125]

The Bill was rejected. The votes being 34 to 27.[126]

(171)

and after some time spent therein,

Mr. Speaker resumed the Chair.

Return to Address. — *The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,*

Cul-du-Sac Correspondence. — *Return to an Address of the Legislative Assembly to the Governor General, praying that His Excellency will be pleased to communicate to the House "a copy of all correspondences which have taken place between the Executive Government and the Quebec Trinity House, and the Quebec Corporation, concerning the place called the Cul-de-Sac, in the City of Quebec, from the 1st January 1840, up to this date."*

Extract from the proceedings of the City Council at a Special Meeting of the said Council, held November 27th, 1840.

Resolved, On the motion of Alderman Jones, seconded by Councillor Shaw.

That the communication sent to the Corporation of the Trinity, relative to a portion of the Cul-de-Sac, required for the use of the City, with the answer thereto, be transmitted to His Excellency the Governor General, with a respectful request that His Excellency will be pleased to take the same into his favourable consideration.

Certified.

(Signed) GEO. FUTVOYE,
City Clerk.

November 28th, 1840.

(172)

Copy of Correspondence between the Corporation of the City of Quebec and the Corporation of the Trinity House, relative to a portion of the Cul-de-Sac required by the former Corporation for the use of the City.

CITY HALL,
16th September, 1840.

SIR,

I have the honour herewith to transmit to you a Resolution passed by the Council of the Corporation of the City of Quebec at their sitting, on the 15th instant, which I will thank you to lay before the Board of the Trinity at your earliest convenience.

I have, &c.,

(Signed,) GEO. FUTVOYE,
City Clerk.

E. B. LINDSAY, Esquire,
Registrar, Trinity House.

Extract from the proceedings of the City Council, 15th September 1840.

Resolved, On the motion of Alderman Jones, seconded by Alderman Massue,

That this Council do make immediate application to the Corporation of the Trinity House for permission to take in so much of the Cul-de-Sac as will be necessary to make a Street across the same, leading from the corner of James Hunt's property, to the centre passage, opposite the houses occupied by one Prevost, a Blockmaker, as the present communication is quite inadequate to the present and rapidly increasing intercourse between the City and the Coves; and furthermore, to enable the Council to allot the space which there will be between the two streets, as a Stand for Carters, &c., whereby this nuisance may be removed from the public streets, and form a source of revenue to the City Funds.

(ANSWER TO THE ABOVE.)

TRINITY HOUSE,
Quebec, 23rd September, 1840.

SIR,

We are directed to transmit to you the enclosed copy of the minutes of the Trinity Board, respecting the application made by the Corporation of the City for a part of the Cul-de-Sac; and request that you will be pleased to lay the same before the City Council.

We have, &c.,

(Signed,) LINDSAY & MUIR,
R. T. H. Q.

G. FUTVOYE, Esquire,
City Clerk.

(ENCLOSURE.)

TRINITY HOUSE,
Quebec, 22nd September, 1840.

PRESENT:

The Honourable J. Stewart, Master, Honourable G. Pemberton, Warden, D. Burnet, Esquire, Warden, J. Lambly, Harbour Master and Warden.

Read the following communication from the City Clerk, and the accompanying Resolution of the Corporation of the City; viz:--

"CITY HALL,
"16th September, 1840.

"SIR,

"I have the honour herewith to transmit to you a Resolution passed by the Council of the Corporation of the City of Quebec at their sitting, on the 15th instant, which I will thank you to lay before the Board of the Trinity at your earliest convenience.

"I have, &c.
"(Signed,) GEO. FUTVOYE,
"City Clerk.

"E. B. LINDSAY, Esquire,
Registrar, Trinity House."

"Extract from the proceedings of the City Council,
15th September, 1840.

"Resolved, On the motion of Alderman Jones, seconded by Alderman Massue,

"That this Council do make immediate application to the Corporation of the Trinity House for permission to take in so much of the Cul-de-Sac as will be necessary to make a street across the same, leading from the corner of James Hunt's property to the centre passage, opposite the houses occupied by one Prevost, a Blockmaker, as the present communication is quite inadequate to the present and rapidly increasing intercourse between the City and the Coves; and furthermore, to enable the Council to allot the space which there will be between the two streets, as a Stand for Carters, &c., whereby this nuisance may be removed from the public streets, and form a source of revenue to the City Funds."

And the same being duly considered, it was Resolved, that under the Provincial Act of the 51 Geo. 3, c. 12, sec. 11, this Corporation is vested with the Harbour of the Cul-de-Sac, but that by the 12th section of the same Act they are prohibited from reducing the same for any purpose whatsoever.

Ordered, That the above Resolution be communicated to the Worshipful the Mayor and the Corporation of the City.

(Signed,) LINDSAY & MUIR,
R. T. H. Q.

Certified.
(Signed) GEO. FUTVOYE,
City Clerk.
Quebec, 28th November, 1840.

Copy.

CHIEF SECRETARY'S OFFICE,
Montreal, 4th December, 1840.

SIR,

I am commanded by the Governor General to acknowledge the receipt of the proceedings of the Council of Quebec, which you placed in my hands, relative to the acquisition by the City of a portion of the Cul-de-Sac, with a view to improve the Town.

The object of bringing this subject under His Excellency's consideration is to obtain an alteration of the Act 51 Geo. III., c. 12, so as to allow the Corporation of the Trinity House to dispose of the property in question. But on referring to the correspondence between the Town Council and the Trinity House, His Excellency observes that while the latter state their legal inability to comply with the wishes of the Council, they express no opinion on the propriety of such a compliance, nor do they comment on the effect which the proposed alteration might perhaps have on the navigation of the River. Before His Excellency can decide upon the application of the Town Council, it will be necessary that he should receive a full Report from the Trinity House on this point, and he has accordingly caused that Board to be addressed upon the matter.

I have, &c.,
(Signed,) T. W. C. MURDOCH,
Chief Secretary.

The Mayor of Quebec,
&c. &c. &c.

CHIEF SECRETARY'S OFFICE,
Montreal, 5th Dec., 1840.

GENTLEMEN,

The Governor General has received from the Town Council of Quebec, copies of certain proceedings and correspondence had with your Corporation, relative to the acquisition for the improvement of the City, of a portion of the Cul-de-Sac.

The object of the Council in bringing this matter to His Excellency's notice, is to obtain such an alteration of the Act 51 Geo. 3rd, cap. 12, as would authorize you to alienate the property in question. As, however,

(173)

the correspondence contains no expression of your opinion in regard to the propriety of making the required grant, nor as to the effect which the contemplated alterations might have on the navigation of the River, the Council have been informed, that before His Excellency can decide upon their application, it will be necessary that he should receive from you a full report on those points. I have therefore to request that you will furnish the required information with the least possible delay.

I have, &c.
(Signed,) T. W. C. MURDOCH,
Chief Sec.

The Master and Wardens
of the Quebec Trinity House,
Quebec.

TRINITY HOUSE,
Quebec, 8th Dec., 1840.

SIR,

We have the honour to transmit to you, herewith enclosed, a copy of the proceedings of the Trinity Board on receipt of your letter of the 5th instant, for the information of His Excellency the Governor General.

And we beg to inform you, that on application to the Master of this Corporation, now in Montreal, a Plan of the Cul-de-Sac may be obtained, shewing the portion of that Harbour which is proposed to be granted to the City Corporation.

This Plan is understood to have been returned to Mr. Caron, in 1840.

We have, &c.

(Signed,) LINDSAY & MUIR,
R. T. H. Q.

T. W. C. Murdoch, Esq.
Chief Secretary.

TRINITY HOUSE,
Quebec, 8th Dec., 1840.

Present:--

Henry Lemesurier, Esq., Deputy Master.
The Honourable G. Pemberton, Warden.
Jno. Lambly, Esq., H. M. and Warden.
Robt. Young, Esq., S. P. and Warden.

Read the following letter from the Chief Secretary, viz:--

(See Letter above, dated 8th Dec., instant.)

And the Board having had reference to their Address to the Governor General, of the 20th Oct. last, wherein they have expressed, as their opinion, that the portion of the Cul-de-Sac required by the Corporation of the City of Quebec for public purposes, might be granted without any detriment arising to the Harbour, and the Board being still of the same opinion, and considering that the contemplated alteration would not cause any obstruction to the navigation, it was

Resolved, That this Board do respectfully recommend, as they have already done by their said Address, such an alteration to be made to the Act of the 51 Geo. 12, as will authorize this Corporation to alienate the property in question.

Ordered, That a copy of the above Minute be transmitted to the Chief Secretary, for the information of His Excellency the Governor General.

Attest.
(Signed,) LINDSAY & MUIR,
R. T. H. Quebec.

Note.--Upon this correspondence the Ordinance 4th Victoria, cap. 6, was prepared and passed by the Special Council.

(Copy.)

To His Excellency Lieutenant General the Right Honourable Charles Murray, Earl Cathcart, of Cathcart, in the County of Renfrew, K. C. B., Administrator of the Government of the Province of Canada, and Commander of Her Majesty's Forces in British North America, &c. &c. &c.

The Petition of the Mayor and Councillors of the City of Quebec,

HUMBLY SHEWETH,

That the increasing population and wants of the City of Quebec require additional space for the establishment of Markets and other public buildings, and, from the limited extent of unoccupied land within the limits of the City, the City Council find that this object cannot be fully attained, unless there be placed at their disposal a lot of land in the Lower Town of Quebec, commonly called the Cul-de-Sac, of which a plan and description are herewith humbly submitted.

That this lot of land, now under the control of the Trinity House for the purposes of management only, produces but a small revenue, and, as your Petitioners conceive, ought to be rendered useful to the City.

That, impressed with these views, the City Council have deemed it expedient that an application should be made to Your Excellency, to have the lot of land in question made over to them.

Wherefore, your Petitioners humbly pray, that Your Excellency will be pleased to direct such steps to be taken, by Legislative enactment, or otherwise, as in your wisdom may be deemed necessary, to vest in your Petitioners the lot of land in question, subject to such terms and conditions as to Your Excellency may seem just and proper.

And your Petitioners, as in duty bound, will ever pray.

(Signed,) G. O'KILL STUART,
Mayor of Quebec.

Montreal, 9th March, 1846.

(Copy.)

Description of the Cul-de-Sac Harbour.

The Harbour called the Cul-de-Sac is situated in Saint Peter's Ward, and is bounded towards the West by Cul-de-Sac Street, towards the East by a line drawn over the deep water of the St. Lawrence, starting from the South-east angle of Napoleon Wharf, and running Southward to the North-east angle of the Queen's Wharf; joining towards the North the aforesaid Napoleon Wharf, and towards the South the said Queen's Wharf.

(Signed,) JOS. HAMEL,
Road Surveyor.

ROAD SURVEYOR'S OFFICE,
Quebec, 20th February, 1846.

(Copy.)

TRINITY HOUSE,
Quebec, 17th April, 1846.

SIR,

Herewith enclosed, we have the honour, by direction of the Trinity Board, to return the Petition of the City Corporation for a cession of the Cul-de-Sac, and, at the same time, to transmit to you a copy of the

proceedings of the Board thereon, for the information of His Excellency the Administrator of the Government.

We have, &c.,

(Signed,) LINDSAY & LEMOINE,
R. T. H. Quebec.

The Hon. D. DALY,
Provincial Secretary,
Montreal,

(174)

TRINITY HOUSE, Quebec,
17th April, 1846.

Present:--

The Honourable J. Stewart, Master.
Henry Lemesurier, Esq., Deputy Master.
William Patton, Esq., Warden.
Edward Boxer, Esq., H. M. and Warden.
J. J. Alleyn, Esq., Warden.

The Board resumed the consideration of the Petition from the Mayor and City Council to the Administrator of the Government, and referred to this Board by order of His Excellency, for their report thereon, praying for a cession to the City Corporation of the Harbour of the Cul-de-Sac.

And the Board, seeing that the Cul-de-Sac is the only open space in the Lower Town, for the resort of small craft and for square-rigged vessels, in stress of weather, it may be considered in the light of a Harbour of Refuge; and is capable of improvement for these purposes, and for the erection of a Wharf, Stores, and Offices, for the use of the Trinity House. Under these circumstances, therefore, the Board are decidedly of opinion, that a cession of this Property ought not to be made to the City Corporation for the establishment of Markets or other Public Buildings.

Ordered, That a copy of the above Minute be transmitted to the Provincial Secretary, for the information of His Excellency, the Administrator of the Government.

Attest.

(Signed,) LINDSAY & LEMOINE,
R. T. H. Quebec.

Also,

Cascades Plank Road. Return to an Address of the Legislative Assembly, to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before the House, "a Statement, shewing the different Tenders offered and made for the Lease of the Tolls on the Cascades Plank Road, during the current year; the dates of all such Tenders; by whom they were made; at what amount or prices, and to whom, and when, the Tolls on the Cascades Plank Road were Let for the current year, commenced since the Spring of 1845."

BOARD OF WORKS,
Montreal, 21st April, 1846.

SIR,

I have the honour to transmit, for the information of His Excellency, the Administrator of the Government, "A Statement shewing the different Tenders offered and made for the Lease of the Tolls of the Cascades Plank Road, during the current year," and giving the other information called for by the House of Assembly of the 14th instant.

Dates of Tender. 1845.	Name.	Portion Tendered for.	Amount. £.	s.	d.
19th April	N. A. Dunn	Gate No. 3	151	0	0
9th May	P. T. Masson	Whole Road	330	0	0
10th Do.	J. Simpson,	Do.	188	0	0
13th Do.	Do.	Do.	253	10	0

Upon the examination of the Tenders, the Board were of opinion, that the offer of N. A. Dunn should be accepted for Gate No. 3, and that Mr. Masson should be applied to, to know whether he would take the remaining Gates, and if so, what he would consent to give.

He declined taking any Gates unless he got the whole, and as the Board were desirous of not being under the necessity of having and paying men to collect at the Gates, he was offered the entire at £400. The utmost he would agree to give was £330 per annum; and taking into consideration that it was but for one year, the Board decided on accepting his offer, making an allowance of £30 for maintaining a winter road.

The sale of the Tolls on this road for the next year is now advertized.

I have, &c.
(Signed,) HAMILTON H. KILLALY.

Hon. D. DALY,
Provincial Secretary, &c., &c., &c.

On motion of Mr. Thompson, seconded by Mr. Smith of Wentworth,

Grand River Floods. — Resolved, That this House will, on Thursday next, resolve itself into a Committee of the whole House on the Report of the Select Committee to which was referred the Petition of Robert H. Bruce, Esquire, and others, inhabitants residing on the Grand River, in the County of Haldimand.

Hamilton Incorporation Bill. — Ordered, That Mr. Smith of Wentworth have leave to bring in a Bill to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Macdonald of Kingston, seconded by Mr. Meyers,

Queen's College Estates Bill. — Ordered, That the Engrossed Bill from the Legislative Council, intituled "An Act to transfer to 'Queen's College at Kingston,' certain estates, rights, and

liabilities of the University at Kingston," be read a second time on Thursday next.

On motion of Mr. Macdonald of Kingston, seconded by Mr. Meyers,

Commercial Bank Charter Amendment Bill.

Resolved, That this House will, on to-morrow, resolve itself into a Committee of the whole House on the Bill to amend an Act intituled, "An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its Capital Stock," as reported by the Standing Committee on Private Bills.

On motion of Mr. Dickson, seconded by Mr. Williams,

Middlesex Election.

Ordered, That the Select Committee appointed to try the merits of the Petition of William Notman, Esquire, of Dundas, in the Gore District, complaining of the undue Election and Return of Edward Ermatinger, Esquire, to represent the County of Middlesex, in this present Parliament, have leave to adjourn until Tuesday next at noon.

Great Western Railroad Extension Bill.

The Honourable Mr. DeBleury, from the Committee of the whole House on the recommitted Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Supervisor of Cullers Bill.

Mr. Leslie, from the Committee of the whole House on the Bill to increase the Salary of the Supervisor of Cullers, reported, cccording to order, the amendment made by the Committee to the said Bill, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Distillers Duty Bill.

The Order of the Day for the second reading of the Bill to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the Spi-

(175)

rituous Liquors made by them, and to provide for the collection of such Duties, being read;

The said Bill was accordingly read, and committed to a Committee of the whole House on Friday next.

Customs Duties Bill.

The Order of the Day for the House in Committee to take into consideration the propriety of amending the Act 6 Vict., cap. 31, and the Schedule of Duties granted by 8 Vict., cap. 3, being read;

The House accordingly resolved itself into the said Committee.

Mr. Meyers took the Chair of the Committee,127

MR. INSP. GEN. CAYLEY - would not detain the House. The object that he had in view was not to establish differential duties, but to pay attention to a despatch of the Secretary of the colonies, Mr. W. E. Gladstone, dated 13th February, 1846[128]. ((He)) then read a despatch which had been received from the Home Government, relative to the Act of last Session, imposing certain duties on leather manufactures.

(Copy.)
No. 18.

Downing Street,
3d February, 1846.

MY LORD,

257. Apl. 25, '45.
258. Apl. 25, '45.
268. May 6, '45.
271. May 9, '45.
281. May 23, '45.

The several Despatches enumerated in the margin I acknowledge and propose to answer together, because they are all referable to the same common subject of the Act of the Canadian Legislature of the 17th of last March, cap. 3, for granting Provincial duties of Customs.

This Act stands for the signification of Her Majesty's pleasure, and I am not able until an amendment shall have been introduced into it to advise Her Majesty to allow it.

It involves two principles of great importance, the first directly, and the second virtually.

The first is the distinction between goods sea-borne, and goods otherwise imported. On this subject I need simply refer you to what I have stated in regard to the proposal to levy inland countervailing duties upon goods generally. I am not only, Your Lordship will preceive, precluded by a difficulty arising upon this part of the measure from advising its allowance, but I also find that for the duty of 5 per cent. which has heretofore been payable upon leather and leather manufactures imported into Canada, rated imports have been substituted, which appear to range generally from 10 per cent. up to 25 or 30 per cent. ad valorem. In some cases a distinction is taken in favour of sea-borne articles - in others the application of the duty is uniform.

Her Majesty's Government are not prepared to assent to the imposition on such British goods as are ordinarily sent to Canada from the United Kingdom or from a British Possession, of rates of duty substantially higher than those which are levied under the previous Provincial Customs' Act, although they take no objection to the substitution, for duties ad valorem of such fixed amounts as may be considered on the average equivalent to them. Your Lordship will consider this as their fixed decision, and will make it known accordingly. An amendment of the Act, to bring it into conformity with this decision is indispensable.

Her Majesty's Government would very reluctantly consent to an increase of the duties upon Foreign goods when imported by sea into the British Colonies, as they stood before the passing of the Act now under consideration.

If it be possible to consider the inland carriage as a matter rather for adjustment in the Province than as raising an Imperial question in which the particular Colony can only be regarded as a portion of an

Empire animated by a central and single principle of action, it is not possible, in the judgment of Her Majesty's Government, to extend this view to Maritime Commerce, without the risk of great inconvenience.

Any increase, however, of the kind to which I refer, must not only be specifically and avowedly laid upon Foreign goods, and upon Foreign goods alone, when the article is one likewise produced in the United Kingdom or in the British Provinces, and entering into the Trade between them and the Province of Canada, but must likewise be supported by strong and special considerations, to be stated for the information of the Government.

Whatever influence of persuasion Your Lordship can exercise, you will employ for the purpose of recommending an adherence to the commerical principles of the Circular of my predecessor, dated 28th June 1843, or at the cast (sic) of moderating the disposition to call for augmentations of differential duties upon Foreign productions.

I could have wished to find in this Act the usual exemption from duty of supplies required for Her Majesty's Forces.

Your Lordship will endeavour to procure the adoption of such provision, together with the amendment to which I have above adverted, as indispensable.

I have the honour, &c.,
(Signed,) W. E. GLADSTONE

Lieut. General
The Earl of Cathcart, K. C. B.,
&c. &c. &c.[129]

He proposed to reduce the duty on British leather to five per cent.[130] As Her Majesty had refused to sanction the increased duties on leather,[131] our position is this, as this duty is particularly marked out, it will not receive the Royal assent unless reduced; and thus all protection will be lost to our manufacturers. One year has passed over since this statute was passed, and it can be disallowed within two years. Had it not been for the despatch referred to, the Ministry would not have altered the rate of duties imposed last year.[132]

MR. AYLWIN - felt it his duty on this occasion as on every occasion, when any change is proposed in our commercial arrangements, to vote against the measure, unless the entire scheme of the Administration was laid before them. He was opposed to this partial legislation. He (Mr. A.) thought that the Inspector General's scheme, as it has been developed, will be materially altered before it passes into a law. He would therefore move, that the Committee do now rise, report progress, and ask leave to sit again.[133]

MR. INSP. GEN. CAYLEY - The whole scheme of the Administration is before you.[134]

MR. HALL[135] - desired to know if the people of Upper Canada and their representatives were prepared to adopt the principle contained in this resolution as he read it. Leather and leather manufactures, when imported via Montreal were to pay a duty of only five per cent, but if imported via Kingston or Toronto, a duty of 25 or 30 per cent

would have to be paid. He (Mr. H.) must protest against this as an injustice to Upper Canada. But it seems we are obliged to bow to the commands of the Colonial Minister[136]. If despatches from home were to govern the country, in opposition to the wishes of the House, it was of no use calling members together at the large expense[137] of sometimes £40,000[138], which was annually incurred.[139] We might as well be governed by despatches from the Colonial office. It is said that this duty of £5 per cent would apply merely to British manufactures, if this was the case he would not object, but as he understood the resolution, all leather manufactures imported by the sea would only pay a duty of £5 per cent.[140] He hoped that no member from Upper Canada would agree to resolutions that imposed a differential duty of 20 per cent against Upper Canada.[141]

MR. AT. GEN. DRAPER - The regulation of our commerce is in the hands of the Imperial Government. He had contended last session - and by the despatch referred to, his opinion was maintained - that we had the power of imposing not exactly differential duties, but of making the duty different, when an article is imported by sea or by land navigation. The Government last session, did not propose a high duty as was imposed by the statute 8 Vict. cap. 3, but in order to afford protection to the leather manufactures in Upper Canada, the House was induced to raise the duty on leather. This bill received the assent of the representative of the crown, and went home, where the royal assent will not be given to it unless the proposed reduction is made. The object of the Government then, is to continue the protection as much as possible.[142]

MR. HALL - perfectly understood that we must do as we are told and not as we wish; how long that is to last he did not know.[143]

MR. BALDWIN - The protection has been taken away from the farmer, and now it is intended to continue the protection to the leather manufacturers. He was opposed to these differential duties, because they gave one section of the Province an advantage over another. He was always prepared to do justice to Lower Canada, but he wished to see justice also done to Upper Canada. He thought that these resolutions shewed a disregard to the farming interests of the country, who were the great consumers, and therefore, he felt bound, as an inhabitant of Upper Canada, and especially as a Canadian, to vote against them. Why should we impose these differential duties, when the British Government repudiates our assistance? The great objection he had to these duties was, that they sacrificed the great farming interest of the country.[144]

MR. INSP. GEN. CAYLEY - Are we to understand that the hon. member (Mr. Baldwin) is prepared to go in the very face of the despatch? No, if the hon. member was in the ministry, we would find him advocating a proper respect for it. This duty was put on for the purpose of protecting the Canadian farmer, by enabling him to find a market at home for his hides, tallow &c.[145]

MR. HALL cared very little for any despatch. He (Mr. H) was prepared to pass the bill of last session, year after year, and let the

Home Government disallow it if they liked. We ought not to be so tender of the interests of British manufactures, when they have been moving heaven and earth, to place our wheat in the British market, in the same situation as foreign wheat. They care nothing about our interests, and we ought not to mind theirs.[146]

MR. J. A. MACDONALD, Kingston, said that a bill was passed last session giving proctetion (sic) to the manufactures of this colony, and the measure now proposed by the Administration was expressly for the purpose of making the bill of last session effectual, and if hon. members did not make up their minds to carry it through, then they must give up all they had fought for, all they had gained, and resolve to put our manufactures in competition with the convict labour of the American Penitentiary. With respect to Mr. Gladstone's despatch at which hon. gentlemen seemed to take so much umbrage, whether the principles enunciated in that despatch were right or wrong, they must be governed by it.[147]

MR. AYLWIN - we know that.[148]

MR. J. A. MACDONALD ((resumed:)) And he hoped hon. gentlemen would not now raise the question, whether they must submit to the dictation of that despatch. They must do so. They were bound to do so, and as a mere matter of interest, leaving aside altogether a higher principle they would find they would have to submit to it. The danger to our markets was not from British but American manufactures, and whilst British manufactures coming through the United States must of course pay the high duty, coming by the St. Lawrence they would pay an ad valorem duty of five per cent, and if hon. gentlemen wished the contrary to enjoy that protection they must vote with the Ministry.[149]

MR. THOMPSON - could not see the justice of the argument to allow British goods coming round by sea into the Province at a lower rate of duty than if they came through the United States. He was not one of those to consider the interests of the English manufacturer, the time was come when we should look after our own interests, and in that point follow the example which had been set in England. He had not seen the despatch, the hon. Inspector General had, but it appeared to him (Mr. T.) that by assenting to the proposed measure, hon. members would allow themselves to be gulled. He would propose that British goods coming through the United States with a certificate of British manufacture should be allowed to come in at the same rate of duty as if they came by sea. If the hon. Inspector General saw any valid objection to it, of course his proposition would fall to the ground.[150]

MR. AYLWIN felt himself compelled to differ on the subject, from the hon. member who had just taken his seat, and from his hon. friend the member for Peterborough, for he was quite prepared to draw a line of distinction between British manufactures coming in by Sea, at the five per cent duty, and those coming in at thirty five per cent higher up. (Hear, hear.) But what surprised him was that while he heard "protection" echoed from all sides, there was at the same time a great flourish of

trumpets about Free trade, that was what he could not understand. On the last occasion that this subject was before the committee, he had referred to an article in the Quarterly Review, a periodical which is strongly in favour of the present home ministry, and the article he referred to, came out strongly against Free Trade, written at a time when there was no danger of a crise ministerielle; the hon. member for Three Rivers would understand him, but what was his astonishment to find that in the last article of the Quarterly Review there was not a word on that subject, a circumstance which he could only explain by supposing that the writers in the Quarterly Review could not jump Jim Crow quite so easily as some hon. gentlemen not a thousand miles off. He had also said on a former occasion, that this House will compromise itself seriously by assenting to the measures of the Inspector General, and he repeated it again, and was convinced that the Imperial Government will take advantage of these measures to strengthen their position at home. But he hoped they would be defeated in the House of Lords, and he would rejoice to see them repealed by another set more able and more honest, (he might use another term) than themselves. He perfectly agreed with the hon. Inspector General a distinction ought to be made between goods coming by Sea, and others coming through the States; but it was very strange when the difference of opinion on this point was so great, that the hon. gentlemen would not postpone his resolutions, until he could inform the House with certainty as to the views of the Home Government, although he cannot inform the House on that point, but gives it another piece of information. "Without you pass my resolutions" says the Inspector General, "the bill you passed last session will not receive the Royal assent." The bill passed last session. It was true it was not the work of the hon. Inspector General, nor of the hon. gentlemen who left the Government, without giving any explanation why he did so, it was the work of a committee of the House, and was it to remain in limbo in the office at home? If that was the case, he should like to know what use there was in introducing a bill of this kind, when the hon. Insp'r Gen'l was told there were very great doubts as to whether it would receive the Royal assent or not. Why did not the hon. member who introduced it to the notice of the House, say whether he could stand godfather to it at that moment. But now in comes the hon. member for Huron, holding the despatch in terrorem, "pass my resolutions, or the bill of last session will not receive the Royal assent?" After remarking on the manner in which Free Trade is introduced into the Imperial Parliament, and comparing it with the cry of "protection," with which it ushered in the Colonies; the hon. member said he felt bound to move that the committee rise, report progress, and ask leave to sit again this day six months.[151]

MR. HALL - said there was no doctrine of free trade involved in this question at all. It would appear that the hon. member for Quebec would support the resolutions because a distinction was to be drawn in favour of the St. Lawrence. He supposed that was merely because the hon. member came from the city of Quebec.[152]

MR. AYLWIN - That is partly the cause.[153]

MR. HALL - Very well. He hoped the hon. Inspector General would understand the reason why he received the hon. gentleman's support. What he (Mr. H.) wanted to know was, what reason the Upper Canada members would give, or were they prepared to give any reason to their constituencies for making them pay a duty of twenty-five or thirty per cent for bringing their goods through the United States, when they could get them at Montreal or Quebec on paying five per cent. There was not the slightest necessity for paying attention to the interests of the British manufacturers. Hon. members would do much better to look after their own, and if they could get to Upper Canada six weeks earlier than by the St. Lawrence route, and at two and a half per cent as they might do, he contended they had a right to do so, and not allow any British minister to dictate them "you may get your supplies by the St. Lawrence at five per cent, but you shall pay thirty per cent if they come through the States." He should like to know why an Upper Canada merchant could not send to London and give directions for his goods to be sent by Boston, thus increasing a speedier arrival. He contended that if hon. members from Upper Canada did not take that into consideration they would do their constituents an injustice, and might find some difficulty in accounting for it hereafter. They were not bound to vote for this resolution because they voted for the others, as it involved no principle of free trade whatever, and as to the threat held out by the hon. Inspector General that the bill of last session would not receive the royal assent, he would rather lose it a hundred times and his head along with it, than be governed by such a motive.[154]

MR. INSP. GEN. CAYLEY said, the hon. member for Quebec had made a great flourish of trumpets about free trade; but, he would ask, who had made any remarks about free trade but the hon. gentleman himself? He (Mr. C.) was not prepared, at least at present, to carry out the principles of free trade with respect to all the commercial relations of the Province; but he must admit that there are many articles upon which the protective duties are too high, and ought to be modified.[155]

MR. GOWAN was no friend to what was improperly termed free trade; and he regarded the views lately expressed at a certain meeting held in Montreal as only to be likened to maniac ravings. (Hear, hear.) He would repudiate such doctrines as had been enunciated at that meeting; and if it were sent home, that public opinion in Canada was represented upon that occasion, it would be a deception. The hon. member for Peterboro' had said, that he would be for the resolutions if the words "other than by sea" were struck out. He (Mr. G.) would say, that these were the very words which induced him to vote for the bill; and it was by retaining these words that the provisions of the bill of last session could be carried out, and the interest of the farmer protected. Without that provision the American leather would then come in contact with the Canadian; whereas, by compelling the Americans to come round by Quebec, the additional expense they are put to would be so much in favour of the Upper Canada manufacturer.[156]

MR. HALL could not understand such arguments as were adduced by the

member for Leeds, nor could he sit silent while such sophistry was being used, which had the appearance of truth. He (Mr. H) wished, and this was a chief objection, that goods should be admitted into one part on the same terms as into another. It was, he conceived, an injustice to the people of Upper Canada, that they should be compelled to pay 25 per cent more for their goods than those of Lower Canada. It had been said that the expense of freight will cover the difference, but such was not the case. The goods that would be brought here by sea from Boston will be carried in vessels that have made a passage from England to Boston; and sooner than come in ballast here they will take a cargo at a very low rate.[157]

MR. ROBINSON. - The law of last session has not had the effect of raising the price of boots and shoes, for they can now be bought as cheap in Montreal as in New York. He had seen good men's boots sold in this city for ten shillings. This law has given confidence to manufacturers and they have in consequence embarked a greater amount of capital in the trade, and employed a greater number of men.[158]

MR. HALL, enquired of the Inspector General if he was prepared to state how much the revenue would be increased or reduced by the reduction proposed?[159]

MR. INSP. GEN. CAYLEY, would answer the hon. gentleman, if he would inform him how many American boots were likely to be brought into the country.[160]

MR. HALL - when he brought a measure before the House he would be prepared to shew the effect of it. The resolution imposing a duty on leather manufactures imported otherwise than by sea were agreed to without opposition, except one which imposed a duty of 1s. 6d. a pair upon men's boots.[161]

MR. DEWITT moved that 2s. 6d. be inserted in place of 1s. 6d. He said, a large number of these boots are manufactured in the United Sttaes by the convict labour of the penitentiaries; and he was not prepared to make our mechanics compete with this labour. These boots are also manufactured of inferior leather and are a great imposition. We ought not to lose sight of the revenue that will be derived from this additional shilling. He (Mr. D.) was not in favour of giving preference, to any part of Canada over another but he wished to protect our industrious mechanics by whose labour the merchants thrive and make themselves rich.[162]

MR. MOFFATT said, he did not understand what was now saying when he contrasted it with what they were then doing. A member said in one breath, have the goods as cheap as you can, and in another, just let us impose this 2s. 6d. on men's boots. He would ask, if, by imposing this duty, the price of the article would not be raised to the consumer? - It was imposing a duty to protect the manufacturer, for which the consumer will again have to pay in the high price of men's boots. He had for a long time been steadily watching the course of events in England, and he saw it gradually working its way to free trade. He was not, however, as yet prepared to adopt it wholly, although ultimately, he be-

lieved, that all protective duties would be done away with.[163]

MR. MERRITT would not agree to the motion then before the House, because he conceived that when high duties were imposed the revenue was defrauded. A few hides were entered at the Customs House, and the rest were smuggled. He could not, therefore, agree to impose a higher duty on manufactured men's boots than 1s. 6d. per pair.[164]

MR. DEWITT, in explantion (sic) what the hon. member for Montreal had said, would state that it had not as yet happened in this city, that because the duty was high the price of the article was raised to the consumer.[165]

MR. SOL. GEN. SHERWOOD said, the arguments used by Mr. DeWitt were very strong in favor of this branch of ... protection, and if he would reduce it to two shillings, he had no doubt the Inspector General would accede to it.[166]

MR. DEWITT and MR. INSP. GEN. CAYLEY ((agreed to this proposition)).[167]

MR. HALL said, weeks and months were spent about very triffling (sic) matters, but when it came to a question of importance, they were hurried over in a few minutes.[168]

A member, "The question is boots."[169]

MR. HALL ((resumed:)) He knew very well they were at that moment speaking of boots. (Laughter.) It was not often he troubled the House, but when he saw Upper Canada members sold, he could not sit silent. He saw the Sol. Gen. West in his place, and he would ask him, would he consent that the merchant who sent him here, and who orders a case of goods from London, should be charged twenty five per cent more if it came by way of Boston, having it six weeks sooner, than if it came by way of Montreal. He for one would never consent to it, and it appeared to him that few Upper Canadians standing on Upper Canadian ground would like to say they would consent to it. And what was the object? To protect the interests of British manufacturers! A set of fellows they had never seen, and who had subcribed thousands of pounds to injure them in the most vital point. What he contended for was, that the duty should be the same every where, if twenty-five per cent above, then it should be twenty-five per cent at Montreal, but if it were to be only five per cent at Montreal or Quebec, then the Upper Canadians were quite as well entitled to have their goods at the same rate of duty. With reference to what had been said respecting smuggling, he would tell the hon. Inspector General that he would do well to take a leaf out of the Custom House book at the other side of the lines which gave to the informer one-half of the amount of seizure, and the consequence was that there was no smuggling for thousands of miles on the American frontier.[170]

MR. INSP. GEN. CAYLEY said, by the existing laws, the seizing officer gets one half and the Crown the other half.[171]

MR. HALL. - Yes but if the Crown were left out altogether, there

would be ten times as many seizures as at present.[172]

MR. AYLWIN, ((intimated)) that he would make a motion not to receive the report of the Committee and then take the yeas and nays on it[173].

The resolution was put from the Chair. - Yeas 34, Nays 27.[174]

(175)

and after some time spent therein,
Mr. Speaker resumed the Chair;
And Mr. Meyers reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Montreal Court House Bill. — *The Order of the Day for the second reading of the Bill to provide for the rebuilding of the Court House in the City of Montreal, being read;*

MR. AT. GEN. SMITH ... ((moved)) second reading of the bill ... ((and)) said, it contains no new provisions - it allows the Government to advance the necessary funds to rebuild the Court House, that has been burnt, either upon the site of the present one, or some other convenient situation. If the site is removed the land upon which the old Court House stood can be sold, and the remainder of the expenses will be made up by a tax upon law proceedings. - This principle has often been sanctioned by the House of Assembly of Lower Canada, and is the way by which most of the Court Houses in this part of the province have been built.[175]

(175)

The said Bill was accordingly read, and committed to a Committee of the whole House on Tuesday next.

Hastings Titles Bill. — *The Order of the Day for the House in Committee on the Bill to remedy certain defects in the registration of Titles in the County of Hastings, in Upper Canada, being read;*

The House accordingly resolved itself into the said Committee.
Mr. Sherwood of Brockville, took the Chair of the Committee, and after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Sherwood of Brockville reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Brockville Assessment Bill. — *The Order of the Day for the second reading of the Bill to provide for an assessment of Real and Personal Property in the Town of Brockville, according to the annual value or rental thereof, and for other purposes, being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Quebec Forwarding Company Bill.

The Order of the Day for the second reading of the Bill to incorporate certain persons under the name of "The Quebec Forwarding Company," being read;[176]

MR. AYLWIN moved the second reading of the bill to incorporate the Quebec Forwarding Compmpany (sic).[177]

MR. AT. GEN. SMITH - a bill to incorporate this Company was thrown out last session; he had looked into this bill and did not think it differed materially from the one introduced last session.[178]

MR. AYLWIN. - This bill differs essentially from the bill of last session, for in the former one the liability was limited, but in this it is not so. The object of this bill is merely to enable the Company to sue and be sued in a corporate name, so that all the partners of the Company need not be made partners to a suit. The object of the Company is to facilitate the transport of goods through our inland waters.

The Company did not deserve any exclusive privileges for suits in Lower Canada, the legal domicile of the Company was declared to be in Quebec, and in Upper Canada the legal domicile, in Kingston. Every stiver of the capital has been paid up, and the public have not only the guarantee of the individual partners, as their obligation is solidairement tkat (sic) is, a joint and several obligation, but they have also the security of the boats of the Company, and their creditors can proceed in rem against their boats.[179]

MR. SOL. GEN. SHERWOOD, objected last session to the bill, and he would object now to it, for there is no clause which states that the stockholders are responsible for more than their shares. He held that all persons who subscribe to a Company are only responsible for the amount they subscribe.[180]

MR. AYLWIN, directed his attention to a proviso which extended the liability of the partners.[181]

MR. SOL. GEN. SHERWOOD read the proviso, and said it referred only to the debts already contracted, and not to those that might be incurred hereafter. He (Mr. S.) considered that by the very act of incorporation you limit the responsibility of the stockholders to the amount of the shares held by them. It is well known that upon no persons are greater responsibility thrown by the common Law, than upon common carriers, and it is proper that it should be so, for they are entrusted with an immense amount of property, and so much valuable property may be lost by negligence or fraud on the part of these individuals. If this bill was passed Henderson and Hooker, H. and S. Jones and the other Forwarders would also be incorporated, so that their liability might be limited, and thus confidence in trade would be destroyed.[182]

MR. AYLWIN. - The Solicitor General had given himself a great deal of trouble without any necessity. Railroads are common carriers, and

their liability is always limited. He (Mr. A.) denied entirely that persons situated as the stockholders of the Quebec Forwarding Company are ... subject to the liabilities of common carriers. They do not insure the goods, they merely transport the goods from one place to another. He wished them to be subject to the law Marine: and to the jurisdiction of the Admiralty Court.[183]

MR. J. A. MACDONALD of Kingston. - This company can get the right of suing and being sued without being incerporated (sic), they can form a sort of quasi-corporation, and sue in the name of the clerk or manager. He was opposed to the limited liability.[184]

MR. AT. GEN. DRAPER. - This bill creates a corporation, and by that very act limits the liability of the stockholders. This he could affirm to be the law in Uuper (sic) Canada. He did not approve of limiting the liability of these companies, as they might have 3 or 4 times the amount of their stock of property in their boats, and if this property was lost, the owners could have no recourse against the parties; and the boats might also be destroyed or they may have been only hired by this Company; as there was nothing to prevent this Company from making an engagement with all the Forwarders and hiring all their boats.[185]

MR. HALL. - There is no analogy between Railroads and Forwarding Companies, as in the former, we have never found that any great damage has been done by them, while the latter often lose four or five times the amount of their boats.[186]

MR. BOULTON - supported the bill. He considered that merchants, when they forwarded their goods, did not trust to the responsibility of the parties who owned the boats.[187]

MR. LAFONTAINE - was opposed to a limited liability of stockholders, but he was in favour of the second reading of the bill.[188]

MR. MERRITT - considered that it was proper to incorporate companies with limited liability, to build canals, railroads, &c., which opened up channels of communication; but when these channels are open to the public, he would make them free to every one, and give no parties exclusive privileges on these roads, and he thought an advantage would be given to this company over others if their liability was limited.[189]

MR. AYLWIN said, he found that the Bill would be thrown out, but in return he would take care to oppose every other Bill for the incorporation of companies, whether for railroad or other purposes that might come before the House.[190]

MR. BALDWIN - could not see any difference between this bill and the one of last session, and he must record his vote against it if the hon. member for Quebec did not consent to alter it. He had no objection to the second reading, if it was understood that it was to be modified in Committee[191] to prevent the effects of the incorporation with regard to the limitation of liability.[192] It is a bad thing to resort to Corporations where they are not needed; he did not know but what banks were injurious to the country. There are too many Corporations, and we have

now applications for the incorporation of St. George, St. Patrick, and Odd Fellows' Societies, and he did not know how many others.[193] The House was far too ready to incorporate all sorts of people for all sorts of purposes, and hoped that such Societies ... would no((t)) obtain Acts.[194]

MR. AYLWIN - These are all from Quebec, there would be no objection if the applications were from St. Catharines.[195]

MR. BALDWIN. - There is too much legislation on this subject, and he thought it a question well worthy the attention of the Government, whether some law ought not to be passed so as to obviate the necessity of these numerous applications.[196]

MR. HALE thought that the want of Capital in the country made it very desirable to grant this limited liability when it was found to encourage useful undertakings.[197] The hon. member for Quebec had voted against his bill to incorporate the Sherbrooke Cotton Company, and he would now retaliate upon him, especially as this was a measure connected with his native city, by voting for his (Mr. Aylwin) bill. He recommended that this bill be referred to the Quebec Committee - Messrs. Chabot, Chauveau, Cauchon, Laurin, and Aylwin.[198]

(175)

The said Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. Aylwin, the Honourable Mr. Baldwin, Mr. Chauveau, the Honourable Mr. Solicitor General Sherwood, and Mr. Macdonald of Kingston, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Orders postponed. *Ordered, That the remaining Orders of the Day be postponed until to-morrow,*

Then, on motion of Mr. Macdonald of Cornwall, seconded by Mr. Drummond,

The House adjourned.

APPENDIX, 28 APRIL 1846.

((QUESTION AND ANSWER RE: DUNDAS AND WATERLOO ROAD.))

MR. DICKSON ((asked a question)).[199]

MR. AT. GEN. DRAPER said that Government were not prepared to grant any money for a Road between Dundas and Waterloo.[200]

((QUESTION AND ANSWER RE: ABOLITION OF LODS ET VENTES.))

M. LAURIN, conformément à l'avis qu'il a donné vendredi dernier, a demandé aux membres qui siègent sur la banquette ministérielle, si c'est l'intention du gouvernement de présenter à cette chambre, pendant la présente session, quelque mesure ayant pour but d'abolir les lods et ventes ou droit de mutation, droit odieux qui non seulement diminue la valeur de la propriété du censitaire, mais qui paralyse l'esprit d'entreprise chez lui, et qui est une taxe illimitée sur son industrie, comme il est constaté par le rapport des commissaires nommés pour s'enquérir sur les lois et autres circonstances ayant rapport à la tenure seigneuriale, telle qu'établie dans le Bas-Canada, présenté à cette chambre par un message de Son Excellence le gouverneur-général, le 4 octobre 1843.[201]

MR. AT. GEN. SMITH a répondu que ce n'est pas l'intention du gouvernement pour cette session.[202]

((QUESTION AND ANSWER RE: BRIDGE ON RIVIERE DUCHENE.))

M. LAURIN a demandé ... aux membres de l'administration, pour quelle raison l'argent voté à la dernière session du parlement pour l'érection d'un pont sur la Rivière du Chêne, dans le comté de Lotbinière, n'a pas été employé pour cet objet.[203]

MR. AT. GEN. SMITH a répondu que si le membre pour Lotbinière veut bien attendre le rapport du bureau des travaux publics, il y verra la raison, mais qu'il y sera pourvu pour l'été prochain dans tous les cas.[204]

((ADDRESS RE: MODIFICATION OF SEIGNEURIAL TENURE.))

M. LAURIN ((a soumis)) une adresse ... relativement au changement de la tenure seigneuriale.[205]

MR. AT. GEN. SMITH ((a répondu que ce n'est pas l'intention du gouvernement pour cette session.))[206]

FOOTNOTES - 28 APRIL 1846.

1. The debate on this matter was reported by: MIRROR, 28 April 1846, LA MINERVE, 30 April 1846, and PILOT, 30 April 1846, in identical accounts; MONTREAL TRANSCRIPT, 2 May 1846; and LE CANADIEN, 13 May 1846. There is a commentary in LA MINERVE, 11 May 1846, which was copied by LE CANADIEN, 13 May 1846. All newspapers reporting the debate on the Address to His Excellency preceded their accounts by reports of Drummond's questions on Court Martial and Rebellion Losses. As these questions had direct bearing on the subject of the Address and were referred to by members during the debate, they have been placed in the context of the debates and not in the Appendix.
2. MIRROR, 28 April 1846.
3. MONTREAL TRANSCRIPT, 2 May 1846.
4. MIRROR, 28 April 1846.
5. LE CANADIEN, 13 May 1846.
6. MIRROR, 28 April 1846.
7. IBID.
8. MONTREAL TRANSCRIPT, 2 May 1846.
9. MIRROR, 28 April 1846.
10. MONTREAL TRANSCRIPT, 2 May 1846.
11. MIRROR, 28 April 1846.
12. MONTREAL TRANSCRIPT, 2 May 1846.
13. MIRROR, 28 April 1846.
14. MONTREAL TRANSCRIPT, 2 May 1846.
15. MIRROR, 28 April 1846.
16. MONTREAL TRANSCRIPT, 2 May 1846.
17. MIRROR, 28 April 1846.
18. MONTREAL TRANSCRIPT, 2 May 1846.
19. MIRROR, 28 April 1846.
20. MONTREAL TRANSCRIPT, 2 May 1846.
21. MIRROR, 28 April 1846.
22. IBID.
23. MONTREAL TRANSCRIPT, 2 May 1846.
24. MIRROR, 28 April 1846.
25. MONTREAL TRANSCRIPT, 2 May 1846.
26. MIRROR, 28 April 1846.
27. MONTREAL TRANSCRIPT, 2 May 1846.
28. MIRROR, 28 April 1846.
29. MONTREAL TRANSCRIPT, 2 May 1846.
30. MIRROR, 28 April 1846.
31. MONTREAL TRANSCRIPT, 2 May 1846.
32. MIRROR, 28 April 1846.
33. MONTREAL TRANSCRIPT, 2 May 1846.
34. MIRROR, 28 April 1846.
35. MONTREAL TRANSCRIPT, 2 May 1846.
36. MIRROR, 28 April 1846.

37. MONTREAL TRANSCRIPT, 2 May 1846.
38. MIRROR, 28 April 1846.
39. IBID.
40. IBID.
41. MONTREAL TRANSCRIPT, 2 May 1846.
42. MIRROR, 28 April 1846.
43. MONTREAL TRANSCRIPT, 2 May 1846.
44. MIRROR, 28 April 1846.
45. MONTREAL TRANSCRIPT, 2 May 1846.
46. MIRROR, 28 April 1846.
47. MONTREAL TRANSCRIPT, 2 May 1846.
48. MIRROR, 28 April 1846.
49. MONTREAL TRANSCRIPT, 2 May 1846.
50. MIRROR, 28 April 1846.
51. MONTREAL TRANSCRIPT, 2 May 1846.
52. MIRROR, 28 April 1846.
53. MONTREAL TRANSCRIPT, 2 May 1846.
54. MIRROR, 28 April 1846.
55. MONTREAL TRANSCRIPT, 2 May 1846.
56. MIRROR, 28 April 1846.
57. MONTREAL TRANSCRIPT, 2 May 1846.
58. MIRROR, 28 April 1846.
59. MONTREAL TRANSCRIPT, 2 May 1846.
60. MIRROR, 28 April 1846.
61. MONTREAL TRANSCRIPT, 2 May 1846.
62. MIRROR, 28 April 1846.
63. MONTREAL TRANSCRIPT, 2 May 1846.
64. MIRROR, 28 April 1846.
65. IBID.
66. MONTREAL TRANSCRIPT, 2 May 1846.
67. MIRROR, 28 April 1846.
68. MONTREAL TRANSCRIPT, 2 May 1846.
69. MIRROR, 28 April 1846.
70. MONTREAL TRANSCRIPT, 2 May 1846.
71. MIRROR, 28 April 1846.
72. MONTREAL TRANSCRIPT, 2 May 1846.
73. MIRROR, 28 April 1846.
74. MONTREAL TRANSCRIPT, 2 May 1846.
75. MIRROR, 28 April 1846.
76. MONTREAL TRANSCRIPT, 2 May 1846.
77. MIRROR, 28 April 1846.
78. MONTREAL TRANSCRIPT, 2 May 1846.
79. MIRROR, 28 April 1846.
80. MONTREAL TRANSCRIPT, 2 May 1846.
81. MIRROR, 28 April 1846.
82. MONTREAL TRANSCRIPT, 2 May 1846.
83. MIRROR, 28 April 1846.
84. MONTREAL TRANSCRIPT, 2 May 1846.
85. MIRROR, 28 April 1846.
86. IBID.

87. IBID.
88. MONTREAL TRANSCRIPT, 2 May 1846.
89. MIRROR, 28 April 1846.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. MONTREAL TRANSCRIPT, 2 May 1846.
95. MIRROR, 28 April 1846.
96. IBID.
97. MONTREAL TRANSCRIPT, 2 May 1846.
98. MIRROR, 28 April 1846.
99. MONTREAL TRANSCRIPT, 2 May 1846.
100. MIRROR, 28 April 1846.
101. IBID.
102. IBID.
103. MONTREAL TRANSCRIPT, 2 May 1846.
104. MIRROR, 28 April 1846.
105. MONTREAL TRANSCRIPT, 2 May 1846.
106. MIRROR, 28 April 1846.
107. MONTREAL TRANSCRIPT, 2 May 1846.
108. MIRROR, 28 April 1846.
109. IBID.
110. MONTREAL TRANSCRIPT, 2 May 1846.
111. MIRROR, 28 April 1846.
112. MONTREAL TRANSCRIPT, 2 May 1846.
113. MIRROR, 28 April 1846.
114. IBID.
115. MONTREAL TRANSCRIPT, 2 May 1846.
116. MIRROR, 28 April 1846.
117. IBID.
118. MONTREAL TRANSCRIPT, 2 May 1846.
119. MIRROR, 28 April 1846.
120. MONTREAL TRANSCRIPT, 2 May 1846.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 2 May 1846; and MIRROR, 28 April 1846, PILOT, 2 May 1846, BRITISH COLONIST, 8 May 1846, and LA MINERVE, 4 May 1846, in accounts which are identical in most respects except that in the BRITISH COLONIST and LA MINERVE some speeches have been omitted entirely, and LA MINERVE's account is abbreviated. There are commentaries in PILOT, 30 April 1846, and BRITISH COLONIST, 8 May 1846.
128. MIRROR, 28 April 1846.
129. MONTREAL TRANSCRIPT, 2 May 1846.

130. MIRROR, 28 April 1846.
131. MONTREAL TRANSCRIPT, 2 May 1846.
132. MIRROR, 28 April 1846.
133. IBID.
134. IBID.
135. IBID. According to PILOT, 30 April 1846, Hall made "very sensible remarks on the subject."
136. MIRROR, 28 April 1846.
137. MONTREAL TRANSCRIPT, 2 May 1846.
138. MIRROR, 28 April 1846.
139. MONTREAL TRANSCRIPT, 2 May 1846.
140. MIRROR, 28 April 1846.
141. MONTREAL TRANSCRIPT, 2 May 1846.
142. MIRROR, 28 April 1846.
143. IBID.
144. IBID.
145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. IBID.
154. IBID.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. IBID.
163. IBID.
164. IBID.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. The debate on this matter was reported by: MIRROR, 28 April 1846; and MONTREAL TRANSCRIPT, 2 May 1846.
177. MIRROR, 28 April 1846.

178. IBID.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. MONTREAL TRANSCRIPT, 2 May 1846.
191. MIRROR, 28 April 1846.
192. MONTREAL TRANSCRIPT, 2 May 1846.
193. MIRROR, 28 April 1846.
194. MONTREAL TRANSCRIPT, 2 May 1846.
195. MIRROR, 28 April 1846.
196. IBID.
197. MONTREAL TRANSCRIPT, 2 May 1846.
198. MIRROR, 28 April 1846.
199. MONTREAL TRANSCRIPT, 2 May 1846.
200. IBID.
201. LE CANADIEN, 29 April 1846.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. IBID.

WEDNESDAY, 29 APRIL 1846.

12:30 O'CLOCK, P.M.

(175)

Address of Congratulation.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency the Governor General, with their Address of Congratulation;

And being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their Address, to which His Excellency was pleased to make the following Answer:--

Answer.

Gentlemen of the House of Assembly,

I beg you to accept my cordial thanks for your kind Congratulations on the distinguished appointment which the Queen has been graciously pleased to confer on me, and I humbly hope that, in the discharge of its important duties, I may be enabled to promote the welfare of the people of Canada; which will form the object of my most earnest and unremitting endeavours.

On attachment to Her Majesty's Person and Government, I rely with unbounded confidence under whatever circumstances it may be called forth.

Adjournment.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Roblin,

The House adjourned until four o'clock, P.M. this day.

4 O'CLOCK, P.M.

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Foster,--The Petition of John S. Herrick and others, of the Township of Farnham, in the County of Shefford.

By Mr. Boulton,--The Petition of William B. Jarvis, Esquire, and others, of the City of Toronto.

By Mr. Leslie,--The Petition of Hugh M'Cargar and others, of the Township of Mountain, in the County of Dundas.

By Mr. Williams,--The Petition of Dennis Riordean, of Port Hope, in the District of Newcastle.

By the Honourable Mr. Aylwin,--The Petition of Alexis Mousseau, Esquire, and others; and the Petition of the Right Reverend the Lord Bishop of Montreal, and certain Clergymen and other Inhabitants of the City of Quebec (relating to Railroads).

MR. AYLWIN presented a petition from certain parties at Berthier, setting forth the services performed by some of them in 1812, and during the late troubles, during which they had held a public meeting and passed resolutions, eminently calculated to preserve peace, and a continuance of obedience to the constituted authorities. The petitioners concluded by praying for redress for the neglect of their just claims, which, they conceived, had been exhibited in their exclusion from the

list of militia officers, recently gazetted.[1]

(175)

By the Honourable Mr. Attorney General Smith,--The Petition of the Reverend R. Whitwell and others, Members of the United Church of England and Ireland, in the Diocese of Quebec.

By Mr. Gowan,--The Petition of André Leroux Cardinal, Chief Messenger to the Legislative Assembly; and the Petition of Mrs. Sophia Dalton, of the City of Toronto, widow of the late Thomas Dalton.

By Mr. Bertrand,--The Petition of the Mayor and Councillors of the Municipality of Rivière du Loup, in the County of Rimouski.

By Mr. Duggan,--The Petition of the Reverend S. J. Hill and others, members of the United Church of England and Ireland, in the Township of Chinguacousy, in the Diocese of Toronto.

Great Western Railroad Extension Bill. — *An Engrossed Bill to incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto, was read for the third time.*

Resolved, That the Bill do pass.

Ordered, That Mr. Smith of Wentworth, do carry the said Bill to the Legislative Council, and desire their concurrence.

Supervisor of Cullers Bill. — *An Engrossed Bill to increase the Salary of the Supervisor of Cullers, was read for the third time.*

(176)

Mr. Stewart of Bytown moved, seconded by the Honourable Mr. Robinson, that the Bill do pass, and the title be "An Act to increase the Salary of the Supervisor of Cullers."

The Question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

Resolved, Accordingly.

Ordered, That Mr. Stewart of Bytown, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions Read. — *Pursuant to the Order of the Day the following Petitions were read:--*

Of John Wilson, of London, in the District of London; complaining against the Judge of the District Court of the said District, and praying relief.

Of Joseph Culver and others, of the Township of Woodhouse, in the District of Talbot; praying that the Clergy Reserve Lands may not be placed under the control of any one or more Religious Societies.

Of the Reverend Robert Boyd and others, inhabitants of the Town of Prescott and vicinity; praying that there may be no partition of the Endowment of the University of King's College.

Of Joseph Leeming and others, of Oxford and other Townships, in the District of Johnstown; praying that the Imperial Act for the disposal of the Clergy Reserve Lands may not be interfered with.

Of William Dixon, a Messenger to the Legislative Assembly; praying for a retired allowance.

Of the Reverend G. M. Armstrong and others, members of the United Church of England and Ireland, in the Township of Louth, in the District of Niagara; and of John Taylor and others, members of the United Church of England and Ireland, in the Townships of Adelaide and Metcalfe, in the Diocese of Toronto; praying that measures may be adopted for vesting in the Church Society of the Diocese of Toronto, for the benefit of the said Church, such a portion of the Clery Reserve Lands as shall correspond with their share of the income arising from the same.

Of John Watson and others, Distillers, of the City of Toronto; praying that the intended duty be not levied on Distilled Spirits in the Province, or that their interests may be protected by certain provisions.

Of the Reverend William M'Murray and others, of the Village and Township of Ancaster; praying for the repeal of the Common School Act, or that the School Moneys may be divided among the different Religious denominations, to be expended by them for School purposes.

Of the Reverend William M'Murray and others, of the Village and Township of Ancaster, in the District of Gore; praying that no Act may be passed which would destroy the religious character, or invade the chartered rights of the University of King's College.

Of Archibald M'Fadyen and others, of the Township of Eldon, in the District of Colborne; praying that the sum granted for the improvement of Simcoe Street may be expended according to the original intention.

Of Newton Bosworth and others, members of the Baptist Church of Paris; praying for an Address to Her Majesty to abolish all State support of Religion in the Province, and for the appropriation of the Clergy Reserves towards the support of education.

Of Alexis Laframboise, Esquire, and others, of the City of Montreal; praying for an inquiry into the truth of certain allegations against the last Municipal Elections, and the Election of Mayor for the said City.

Of John Reid and others, Students of the Toronto Medical School; praying to be exempted from certain provisions of the Bill now before the Legislature relating to the study and practice of medicine.

Of Hypolite Dubord, Esquire, and others, Ship Builders, Carpenters, and others, of the City of Quebec, interested and engaged in the building and construction of Ships; praying that the said interest may be protected by a drawback or otherwise, and that the duty on certain articles be reduced.

Of John Earele and others, of the Parish of Ste. Scholastique, in the County of Two Mountains; praying that the Survey of a certain line of Road, through St. Eustache to Grenville, may be adhered to.

Petitions referred:

A. Laframboise, et al.

Resolved, That the Petition of Alexis Laframboise, Esquire, and others, of the City of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Lafontaine, Mr. Leslie, Mr. Drummond, Mr. Jobin, and Mr. Solicitor General Taschereau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

W. Dixon.

Ordered, That the Petition of William Dixon, a Messenger to the Legislative Assembly, be referred

to the Standing Committee on Contingencies.

A. Overholt, et al. — Ordered, That the Petition of Aaron Overholt and others, of the Township of Rainham, in the District of Talbot, be referred to the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references.

West Halton Election. — Mr. Williams, from the Select Commiteee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, reported to the House that, pursuant to adjournment, the Committee met this day at Ten o'clock, A.M., but in consequence of the absence of Mr. Lacoste, a member of the Committee, they were unable to proceed to business.

Member to attend in his place. — Ordered, That Mr. Lacoste, Member for the County of Chambly, do attend in his place in this House, at the next sitting thereof.

Toronto Mechanics' Institute. — The Honourable Mr. Solicitor General Sherwood, from the Select Committee to which was referred the Petition of Thomas Gibbs Ridout, Esquire, and others, members of the Toronto Mechanics' Institute, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. — It appears by the said Petition, that the said Institute has been in existence for a period of fifteen years, and that the members thereof have erected a convenient building for the objects of the Society, and they think that their property would be more secure, and the objects of the Institute would be much better carried out, if they were incorporated.

Your Committee are of opinion, that the prayer of the Petition should be granted, and particularly, as they find that, during the last Session of the present Parliament, an Act was passed incorporating a similar Institute in the City of Montreal.

Bill. — Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to incorporate the Toronto Mechanics' Institute.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on to-morrow.

(177)

Notarial Titles Bill, (L. C.) — Mr. Solicitor General Taschereau, from the Select Committee to which was referred the Bill to remove all doubts as to the validity of certain Deeds, Instruments, and Documents executed before Notaries in Lower Canada, and to secure the rights, titles, and interest of all persons concerned therein, reported that the Committee had gone through the Bill, and

had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Friday next.

Clergy Reserves.

Mr. Petrie, from the Select Committee to which was referred the Petition of George Roe and others, of the County of Russell, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee find with great regret, from the numerous Petitions laid before your Honourable House, that the long agitated question of the Clergy Reserves has again become a subject of discussion and contention in this Province.

The excitement which so unhappily existed on this subject for many years, and which produced such disastrous consequences to the peace and prosperity of the Province, was at length set at rest by the Imperial Statute 3rd and 4th Victoria, chap. 78.

The Imperial Legislature intended that Statute to be a final settlement of the question, and, notwithstanding the inequality of the division, it was accepted by the inhabitants of this Province as such.

Under these circumstances, it is deeply to be regretted that the Church Societies of the Dioceses of Quebec and Toronto should have adopted the course of again agitating the question, by claiming the absolute and uncontrolled conveyance to the Church of England of a share of the Clergy Reserves, according to the proportion of funds assigned by the Imperial Act for the benefit of that Church.

Your Committee beg leave to quote from the Report of the Select Committee on the same subject, which was presented to this House during the last Session, as conveying in concise yet forcible language the objections which offer themselves to the proposed division. The extract is as follows:--

"After a careful consideration of the subject, your Committee have come to the conclusion, that while the advantages of dividing the Clergy Reserves as prayed for are very doubtful, the disadvantages are very certain and obvious.

"In the first place, it will be difficult, if not impracticable, to make a satisfactory division;--in order to approximate to a fair division an enormous expense must be incurred in valuing each lot separately, and even then there will be a rivalry as to choice and location, and suspicions will (with or without reason) be created of favouritism towards some particular sect or sects.

"According to the present law, the management and disposal of the lands are in the hands of a Government responsible for the same, and over which the Legislature can exercise an active supervision.

"Should the proposed distribution take place, they would be placed beyond the control of Parliament, and vested in Ecclesiastical Corporations, responsible to no one, and which would dispose of them to their own advantage, and without reference to the general good.

"The progress of improvement in Canada has, it is generally believed, been greatly impeded by the accumulation of its uncultivated land in the hands of owners who will not bring their property to sale, but retain it as a matter of speculation, and in expectation of a future increase in value, not from any expenditure of Capital, but from the industry and skill of the neighbouring agriculturists.

"The conveyance of such a large quantity of land to Corporations, not desirous of disposing of them at their present prices, and which intend not to sell, but to lease, would, in your Committee's opinion, greatly increase this evil, and would have a tendency to substitute an inferior order of Tenantry, for an independent body of Yeomen.

"Great apprehension is expressed by the Petitioners, lest the interests of those occupants of Clergy Reserves who hold by lease or otherwise, should suffer by the proposed transfer of their lands. The Government very properly gives such occupants every opportunity of earning the purchase money from the cultivation of the land itself, and thus enables many an industrious man to become a freeholder and owner of property, which he could not in any other way hope to acquire.

"This is not likely to be the case when the lands are vested in private parties, whose object is to sell at the highest prices and receive the highest rents.

"Your Committee, therefore, earnestly recommend, that the interests of all parties now occupying those lands should be fully protected and provided for in any arrangement that may be made."

Your Committee beg to express their entire concurrence with the above extract, and would further suggest that the late Order in Council allowing an extended time to the purchaser of Clergy Reserve Lands--an extension conducive alike to the settlement of the Country, the prosperity of the occupant, and the advantageous sale of the lands--is an additional proof of the benefits to be derived from leaving the management of those lands in the hands of a Government having no interest differing from that of the great body of the people.

While your Committee believe that the management and sale of the lands might be conducted in a more economical manner, they are at the same time of opinion, that the expenses said to be incurred have been much exaggerated, for although the charges for valuation have been large, these charges can only be considered as an advance by the Crown Lands Department, to be repaid by the purchasers when making their payments.

Your Committee are, therefore, unanimously of opinion, that the division sought for by one out of the many denominations interested in the said lands, is inadvisable, and they strongly recommend that no change or deviation from the present system should be sanctioned by the Legislature.

Printed. — *Ordered*, That one thousand copies of the said Report be printed, for the use of the Members of this House.

Bytown Town Council Bill. — Mr. *Stewart* of *Bytown*, from the Select Committee to which was referred the Bill to define the limits of

Bytown, and to establish a Town Council therein, reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Monday next.

Printing and Binding.

Mr. Gowan from the Standing Committee on Printing and Binding, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report.

Your Committee beg to report that they caused advertisements to be inserted in all the newspapers published in the cities of Montreal, Toronto, Quebec, and Kingston, advertising for Tenders for Printing and Binding of the Journal and Appendix of your Honourable House for the present Session. In reply

(178)

to such advertisements your Committee received tenders from the following persons:

No. 1.--Jas. Leslie, of Toronto, for English 1s. 6d. per 1000 ems for Composition, and 1s. 9d. per token for single Crown Press work.

No. 2.--Messrs Lovell & Gibson, of Montreal, 1s. 4d. per 1000 ems for Composition, and 1s. 6d. per token for Press work.

No. 3.--E. J. Barker, of Kingston, for English 1s. 3d., and 1s. 6d. for French per 1000 ems for Composition, and 1s. per Token for Press work.

No. 4.--W. J. Coates, of Toronto, for English 1s. 3d. per 1000 ems for Composition, and 1s. 3d. per Token for Press work.

No. 5.-- Jno. Simpson, of Niagara, for English 1s. 4d. per 1000 ems for Composition, and 1s. 2d. per Token for Press work.

No. 6.--Rollo Campbell, of Montreal, for English 1s. 4d. per 1000 ems for Composition of the Journals, and 1s. 2d. per 1000 ems for the Composition of the Appendix, and 9d. per Token for Press work.

No. 7.--Louis Perrault, of Montreal, for French 1s. 4d. per 1000 ems for the composition of the Journals, and 1s. 2d. per 1000 ems for the Composition of the Appendix, and 9d. per Token for Press work.

No. 8.--L. O. LeTourneux, of Montreal, 4s. 3d. per volume for Binding.

No. 9.-- Messrs. Lamothe & Chapleau, of Montreal, 3s. 10d. per volume for Binding.

No. 10.--Charles Hobrough, of Kingston, 3s. 9d. per volume for Binding.

No. 11.--E. J. Barker, of Kingston, 3s. 6d. per volume for Binding.

No. 12.--R. & A. Miller, of Montreal, 2s. 5d. per volume for Binding.

Upon a recapitulation and examination of the several Tenders, and taking the quantity of last year as the basis, namely 1125 sheets of 20,000 ems each, and the Press work at 4,566 Tokens, the following would be as near to the result as your Committee can ascertain:

No. 1.--James Leslie, Composition £1687 10s., and Press work £399 10s. 3d., making together £2087 0s. 3d.

No. 2.--Messrs. Lovell & Gibson, Composition £1500, and Press work £342, making together £1842 9s.

No. 3.--E. J. Barker, Composition English £703 2s. 6d., French Composition £843 15s., and Press work £228 6s., making together £1775 3s. 6d.

No. 4.--W. J. Coates, Composition £1406 5s., and Press work £285 7s. 6d., making together £1691 12s. 6d.

No. 5.--Jno. Simpson, Composition £1312 4s., and Press work £266 7s., making together £1578 11s.

No. 6.--Rollo Campbell, Composition for Journals (about one third) £500, and Louis Perrault (No. 7) for the Appendix (about two thirds) £875, making £1375, which with £171 4s. 6d., the amount of the Press work, would make together the sum of £1546 4s. 6d.

It will appear from the above synopsis of the several Tenders, that the Tenders of Messrs. Campbell & Perrault are the lowest, and ought, in the opinion of your Committee, to be accepted by your Honourable House, upon condition of their furnishing two sufficient securities for the faithful performance of their Contract, such sureties to be approved by your Committee.

In reference to the Binding, your Committee recommend your Honourable House to accept the Tender of Messrs. R. & A. Miller, as being the lowest.

Your Committee have much pleasure in informing your Honourable House, that it would appear, from the above data as to quantity, a saving of over £500 will be this year effected in the Printing and Binding of your Honourable House, as compared with the expense of the Printing and Binding of your Honourable House during the last Session.

Ordered, That the said Report be committed to a Committee of the whole House to-morrow.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Boulton,

Address, Toronto Harbour Dues.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying His Excellency to cause the proper officer to lay before this House a Return of the amount collected for Harbour Dues at the Port of Toronto for the year 1845;--and also, a detailed Statement shewing the Balance (if any) still due to the Government on account of sums advanced by the authority of certain Acts of the Parliament of Upper Canada, for constructing and repairing the Queen's Wharf, at the entrance of the said Harbour.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Member Excused for Non-attendance on

According to Order, Jean Chabot, Esquire, Member for the City of Quebec, who was absent yesterday from the Select Committee appointed to try the merits

Election Committee. *of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, Sitting Member for the West Riding of the County of Halton, attended in his place in this House.*

Mr. Chabot rose in his place, and having given satisfactory reasons for not being present at the meeting of the said Select Committee, and having verified the same upon oath,

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chauveau,

Resolved, That Mr. Chabot having given satisfactory reasons for not being present yesterday at the meeting of the Select Committee for the trial of the Contested Election for the West Riding of the County of Halton, and having verified the same upon oath, he be now excused for such non-attendance.

Middlesex Election. *The Honourable Mr. Aylwin moved, seconded by Mr. Chabot, That a new Commission to take evidence in the Controverted Election for the County of Middlesex do issue, directed to James Givens, John Wilson, and Henry C. Becher, Esquires; and that the said Commissioners shall have power to meet at the Town of London, and any other place or places in the County of Middlesex as shall be most convenient for carrying out the purposes of the said Commission; that James Givens, Esquire, be Chairman of the said Commission, and that the first meeting of the said Commissioners shall take place at the said Town of London on Monday, the sixth day of July next.*[2]

MR. AYLWIN thought it was perfectly clear that a new Commission ought to be granted. An error was committed - he might call it more - by the late Commissioners, which rendered nugatory[3] the proceedings of the commission named to receive evidence[4] and in consequence of which it was impossible that they could again be honored by the commission of that House.[5]

MR. SOL. GEN. SHERWOOD had some doubts of the power of the House to appoint a second commission. He had expressed that doubt in the committee room to the hon. member for Quebec, and that hon. member had promised to show him a precedent on the journals of the Parliament of Upper Canada. He (Mr. S.) hoped his hon. friend would then produce the precedent.[6]

MR. AYLWIN did not recollect whether it was to the journals of Upper Canada, or to those of United Canada he had referred in his conversation with the hon. Solicitor Gen. If he named the former, he was in error. It was United Canada he meant. He found it on the 28th July, 1841; that case was not identically the same as the present, but it was one in which a new commission did arise. If ever there was a case in which a commission ought to issue it was that in question. The petitioner had complained at the bar that the sitting member for the county of Middlesex was a usurper. A commission had been issued to take evidence, but those to whom it was entrusted, either from ignorance or villany (sic), failed to execute it. For this ignorance or villany (sic)

no one was responsible. The sitting member was not responsible for it. The parties themselves had been discharged after a punishment which was more an honor to them than any thing else: and the petitioner alone had to suffer the heavy loss and inconvenience attendant upon such a monstrous proceeding. And when he (Mr. A.) proposed a course by which justice might ultimately be done the petioner (sic), he was asked to produce a precedent. As well might he be asked to produce authority for looking at the sun, or for breathing the air of heaven. In stead of adducing authority, he (Mr. A.) thought he would be justified in asking where is the law which forbade what he demanded? What! were they going to legalise - not acts by the bludgeon, for these were comparatively respectable - but were they to confirm the act of the knave or the villain, who if it were ruled that a second commission was not, under any circumstances, to be allowed, could easily evade the orders of the House, and thereby perpetrate the greatest injustice. He (Mr. A.) felt the deepest sympathy with the petitioner, who had done him the honor of appointing him his nominee; but, irrespective of that, he would appeal to hon. members to do justice for their own sake. He would ask, was there one in that House who would agree to hold his seat under the tenure which the hon. Sol. General would appear to wish to establish?[7]

MR. SOL. GEN. SHERWOOD complained of the tone of the hon. member of Quebec, and particularly of his attacks upon the Commissioners, whose characters for honor and integrity were as high as that of the hon. member himself, and could not be injured by such insinuations as had been thrown out. He (the Sol. Gen.) had not said that he was opposed to granting a new Commission, he had only asked for a precedent. He thought the Niagara case referred to by the hon. member for Quebec was not a precedent; in that case the commission was returned without any action having been taken upon it, and that was the same as if a commission had never existed; in the present instance, evidence had been taken. He, the Solicitor General still doubted whether the House could issue a second commission after one commission had been acted upon; his doubts had not been in the least removed by the speech of the hon. aud (sic) learned member for Quebec, and he trusted that the hon. and learned member for the Fourth Riding would favor the House with his views.[8]

MR. WILLIAMS was of opinion that under the statute, another commission was cnotemplated (sic); it was clear that the House had power to appoint a second committee; he thought the evidence being illegal, was the same as if no return had been made, and therefore, a new commission ought to issue.[9]

MR. BALDWIN would have risen immediately after the appeal that had been made to him by the Solicitor General West, had he not expected that the hon. Attorney General was prepared to offer his opinion for the information and guidance of the House, and he was much surprised that when the learned Solicitor General felt himself deficient in information, he did not apply to higher authority, that he did not seek it at that source from which the House had always a right to expect prompt

information; and he was also not a little astonished that the hon. Attorney General should allow the House to want his aid and advice for one moment in a matter of such serious importance. He (Mr. Baldwin) most willingly endorsed all that had been said by the hon. member for Quebec, respecting the importance of the question before the House; he felt warmly upon it, and was prepared to resist to the last any attempt to defeat the just demand of the petitioner. (Hear, hear.) He (Mr. B.) understood the Solicitor General West to construe the act, so that but one commission could issue under it. The answer of the hon. member for Durham to that was irresistible; the act allowed a second committee, and also left it optional with the parties to furnish evidence either by commission or vive voce (sic). A second committee could not ... ((meet)) without evidence, and it was nonsense to suppose that the parties interested would not have the same right under a second committee as under the first. But irrespective of all that he would ask was it to be said that the law was meant to be a mere mockery - (Hear, hear) - to be a piece of network in which parties having just claims were to be entangled beyond the possibility of help being afforded to them. (Cheers) Were the claims of petitioners at the bar of that House to be left to the mere mercy of commissioners? Was there to be no control, no redress? The language of the hon. and learned member for Quebec was not too strong upon that point. (Hear) If the House decided that a second commission could not issue, persons contesting seats in that House, would thenceforth be abandoned to the iguornace (sic) or villainy of commissioners. (Cheers) There would be no responsibility, no redress, beyond the miserable mockery of punishment they had seen dealt out at the bar the other day, a punishment that was only calculated to encourage offence, to embolden parties to violate the rights and privileges of the House. Yet, he (Mr. Baldwin) would warn the House that unless they showed that they had the will as well as the power to punish their servants, their authority would be laughed to scorn, as he had no doubt it was in the late instance to which he had referred. - (Cheers) With regard to the evidence that had been received by the committee, he (Mr. B.) would have regarded it as legal, because he considered that part of the statute under which it was taken as merely directory. Was he called upon judiciously to pronounce upon it, that would be his decision. But it was not for him, or that House to judge. The Committee had decided that the evidence was illegal, and the House was bound by that decision. The proceedings under the late commission having then been declared illegal, it was clear that, for the purposes of the act, no evidence had been taken; and that the mass that had been sent was as so much waste paper. Supposing that instead of sending the evidence the commissioners had chosen to folded (sic) up, seal, and address a number of blank sheets, would it be, therefore, true that the commission had been executed. It was the utmost farce to argue in that way. Either the commission had been executed for the purposes of the act, or it had not; if it had not, there should be no torturing of the law in order to do injustice to the petitioner. A distinction had been attempted to be drawn between the present case and that on the journals - the Niagara case, referred to by

the hon. member for Quebec; but it was evident that for all valid purposes they were alike. (Hear.) In the one case the commission had not been acted upon; in the other, the action taken was declared illegal. It was, therefore, manifest that for the purposes of the law nothing had been done in either case. In a legal point of view there could be no difference between them.[10]

MR. HALE - (Hear, hear.) There was a great deal of difference.[11]

MR. BALDWIN - The hon. member for Sherbrooke said hear, hear, and spoke of a distinction. He (Mr. B.) could well understand how certain hon. members of that House could swallow any doctrine however monstrous. He knew with what facility they would, as had been said by his hon. friend from Quebec, divide a hair between North and South; and he was, therefore, not surprised to find them favouring the absurdity then raised. But he felt satisfied that no judicial mind in that House would take such a view - (Hear, hear.) - would countenance any thing so atrocious (Cheers.) Yes, so atrocious; he would say, that if another commission were refused it would be an atrocious denial of justice to the petitioner. (Loud cheers.)[12]

MR. AT. GEN. DRAPER - Before he heard the speech of the hon. member for Quebec did not know that this question was coming before them, and he was not therefore, as well able to give an opinion as he would had (sic) been if he had 24 hours notice of the motion. He did not think that he was justly subject to the censure of the hon. member for the North Riding of York. The argument of the hon. member for Quebec was perfectly correct, if his premises had been correct. But he (Mr. D) knew that his premises were unfounded; he (Mr. A) had asserted that there was a previso (sic) in the act, allowing a second commission to be appointed - this was not the case. His opinion was that a second commission could be issued, and the reason for forming that opinion was that the previso (sic) already referred to, allowed the House, in certain circumstances, to appoint a new committee, and it was responsible to suppose (as this committee must receive evidence with vivi (sic) voce, or by a commission,) that a new commission may be issued.[13]

MR. MURNEY sympathised with the petitioner (Mr. Nottman,) for he had been placed in a similar position during the last Parliament, and he had then received no sympathy from the majority. He was then obliged to listen to the sarcastic remarks of the hon member who introduced this motion, (Mr. Aylwin). This gentleman took good care not to sympathise with him. He even said that it was folly to attempt to unseat the then sitting member for Hastings (Mr. Baldwin.) It is very easy, by high flown declamation, for a ministry to complain of the acts of the majority; but these parties ought to remember that they, when they formed the majority, refused the favor granting me a commission, although my witnesses resided 150 miles from the seat of Government, and I affirmed, and still believe, that I had the majority of legal votes on that occasion. The subsequent election shewed that this assertion was correct. (Hear.) It would therefore, be no more monstrous or atro-

cious for a commission to be refused on the present occasion, than it was on the case referred to. The majority, however, will not refuse the commission in this case.[14]

MR. BALDWIN - The hon. member for Hastings had forgotten to state the circumstances under which a commission had been refused him. The charges made by the hon. member were of such a character that it was considered that vive voca (sic) evidence would be the only satisfactory means by which to determine them, and although the distance at which the hon. member wished the enquiry to take place was about one hundred miles from the seat of Parliament, the daily passing of boats rendered it quite convenient for parties to attend to give evidence in person. There was no desire on his part or that of any friend of his to stifle enquiry in that case; he was satisfied that he held his seat by a legal majority of votes, and no investigators could have disturbed him.[15]

MR. SHERWOOD of Brockville - thought that if the commission then applied for was refused, it would be no more atrocious than was the refusal referred to by the hon. member for Hastings. He (Mr. Sherwood) would vote against the motion, not because he thought the petitioner was not entitled to a second commission, but such was the manner in which all the commissions issued by that House had been executed that he was of opinion that no more should issue.[16]

(178)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Boulton, Cauchon, Cayley, Chabot, Chalmers, Chauveau, Christie, Colville, Cummings, Daly, Desaulniers, DeWitt, Dickson, Attorney General Draper, Drummond, Dugas, Gowan, Guillet, Jessup, LaFontaine, Lapier, Laterrière, Laurin, LeMoine, Leslie, Macdonald, of CORNWALL, Macdonell of STORMONT, M'Connell, Méthot, Moffatt, Murney, Nelson, Papineau, Powell, Petrie, Price, Robinson, Roblin,

(179)

Scott, Seymour, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Taché, Solicitor General Taschereau, Thompson, Viger, Webster, and Williams.--(54.)

NAYS.

Hale, Riddell, Sherwood of BROCKVILLE, and Solicitor General Sherwood.--(4.)

It ... ((was)) mentioned that Mr. Ermatinger had voted.[17]

The Speaker, MR. MORIN, observed that in his opinion the hon. member had no right to vote.[18]

MR. HALL thought as it was rather magnanimous for the hon. member to vote with the majority the vote ought to be allowed to stand.[19]

MR. BALDWIN thought the vote was irregular and would be a bad precedent.[20]

The vote was then struck off.[21]

(179)

So it was carried in the affirmative, and

Ordered, Accordingly.

Returns to Address. The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,

Cornwall Town Lots. Return to an Address from the Legislative Assembly, to His Excellency the Administrator of the Government, dated the 3rd instant, praying that His Excellency would be pleased to cause to be laid before them "a copy of the Petition on which was grounded the Order in Council directing the sale of Lots Nos. Ten and Eleven, north side of Water Street, in the Town of Cornwall, together with a copy of the said Order in Council: also, copies of the Report of the District Agent, and of the Commissioner of Crown Lands, touching the same; and copies of any letters and documents, addressed by John S. Macdonald, Esquire, to the Government, on the subject, and of the replies thereto."

(For the said Return, see Appendix W.)

Also,

Rebellion Losses. First Report of the Commissioners appointed to enquire into the Losses occasioned by the troubles during the years 1837 and 1838.

(For the said Report, see Appendix X.)

Customs Duties. Mr. Meyers, from the Committee of the whole House, to take into consideration the propriety of amending the Act 6 Vic. cap. 31, and the Schedule of Duties granted by 8 Vic. cap. 31, reported, according to Order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth:--

Resolutions. 1. Resolved, As the opinion of this Committee, that an ad valorem duty of five per cent be imposed upon all kinds of manufactured or unmanufactured Leather, the production of Great Britain or of the British Colonies, imported by sea, or direct from any British Colony.

2. Resolved, As the opinion of this Committee that on Leather manufactures otherwise imported, the following duties be imposed, that is to say:--

	Present Duties.		
	s. d.		s. d.
1st	5 0	On Goat Skins, tanned, tawed or in any other	

	s.	d.		s.	d.
			way dressed, per dozen	5	0
2nd	2	6	On Lamb or Sheep Skins, tanned, tawed or in any way dressed, per dozen . . .	2	6
3rd	0	6	Calf Skins, tanned, tawed or in any way dressed, per lb.	0	4
4th	0	3	Kip Skins, tanned, tawed or any way dressed, per lb.	0	2
5th	0 and	2 1½	Harness Leather, Upper Leather, and Sole Leather, per lb.	0	1½
6th	0	6	Leather cut into Shapes, per lb. . . .	0	4
			LEATHER MANUFACTURES.		
7th	7	6	Women's Boots, Shoes and Calashes of Leather, per 12 pairs	5	0
8th	7	6	Women's Boots and Shoes, of Silk, Satin, Jean, or other Stuffs, Kid or Morocco, per dozen pairs	5	0
9th	2	6	Girl's Boots, Shoes and Calashes of Leather, under seven inches in length, per dozen pairs	2	0
10th	3	0	Girl's Boots and Shoes, of Silk, Satin, Jean or other Stuffs, Kid or Morocco, per dozen pairs	2	0
11th	2	6	Men's Boots, per pair	2	0
12th	1	0	Men's Shoes, per pair	0	6
13th	1	3	Boys' Boots, under 8 inches in length, per pair	0	9
14th	0	9	Boys' Shoes under 8 inches in length, per pair	0	4

3. Resolved, As the opinion of this Committee, that salted or cured meat, for the use of the Fisheries in the Gulf of St. Lawrence, shall be admitted free of Duty.

On motion of the Honourable Mr. Cayley, seconded by the Honourable Mr. Attorney General Smith,

Ordered, That the Question of concurrence be now separately put upon each of the said Resolutions .

And the first of the said Resolutions being again read, and the Question being put thereon, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeWitt, Dickson, Attorney General Draper, Duggan, Ermatinger, Foster, Gowan, Hale, Jessup, LeMoine, Macdonald of CORNWALL, M'Connell, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Seymour, Sherwood

of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Solicitor General Taschereau, Viger, Webster, Williams, and Woods.--(36.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauveau, Desaulniers, Drummond, Guillet, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonell of STORMONT, Méthot, Nelson, Powell, Price, Roblin, Rousseau, Scott, Smith of WENTWORTH, Taché, and Thompson.--(26.)

So it was carried in the affirmative.

The second of the said Resolutions being again read,

Ordered, That the Question of concurrence be separately put upon each of the items contained therein.

And the first to the tenth of the said items inclusive, being again read, and the Question being separately put thereon, the House divided upon each, and the names being called for, they were taken down as in the last preceding division.

The eleventh to the fourteenth and last of the said items being again read, and the Question being separately put thereon, the House divided upon each, and the names being called for they were taken down as followeth:--

YEAS.

Boulton, Cayley, Chalmers, Christie, Colville, Cummings, Daly, DeWitt, Dickson, Attorney General Draper, Duggan, Ermatinger, Gowan, Hale, Jessup, LeMoine, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt, Monro, Murney, Papineau, Petrie, Riddell, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Solicitor General Taschereau, Viger, Webster, Williams, and Woods.--(37.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot, Chauveau, Desaulniers, Drummond, Guillet, Hall, Jobin, LaFontaine, Lantier, Laterrière, Laurin, Leslie, Macdonell of STORMONT, Méthot, Nelson, Powell,

(180)

Price, Rousseau, Scott, Smith of WENTWORTH, Taché, and Thompson.--(28.)

So the second Resolution was carried in the affirmative.

The third of the said Resolutions being again read, and the Question being put thereon, it was agreed to unanimously, and

Resolved, That this House doth concur with the Committee in the said Resolutions.

Customs Bill. Ordered, That the Honourable Mr. Cayley have leave to bring in a Bill to alter and amend the Laws imposing Provincial Duties of Customs.

He accordingly presented the said Bill to the House, and the same

was received and read for the first time, and ordered to be read a second time on Friday next.

Hastings Titles Bill. Mr. Sherwood, of Brockville, from the Committee of the whole House, on the Bill to remedy certain defects in the registration of Titles in the County of Hastings in Upper Canada, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Great Western Railroad Bill. The Order of the Day for the second reading of the Bill to alter and amend the Charter of the Great Western Railroad Company, being read;

The said Bill was accordingly read, and referred to the Select Committee on Railroads.

Burns' Relief Bill. The Order of the Day for the second reading of the Bill for the relief of Robert Easton Burns, Judge of the Home District Court, being read;

Ordered, That the said Bill be read a second time on Wednesday next.

Bankrupt Laws Bill. The Order of the Day for the second reading of the Bill to continue and amend the Bankrupt Laws, now in force in this Province, being read;

Ordered, That the said Bill be read a second time on Friday next.

Vanzandt's Relief Bill. The Order of the Day for the second reading of the Engrossed Bill from the Legislative Council, intituled "An Act for the relief of Juliet Vanzandt, wife of Jacob L. Vanzandt, who claims as sister of the half blood of Richard Duncan, late of Williamsburgh, in the Eastern District of this Province," being read;

Ordered, That the said Bill be read a second time, on Monday next.

Bills of Exchange Bill, (Inland.) The Order of the Day for the second reading of the Bill to amend the Law regulating Inland Bills of Exchange and Promissory Notes and the protesting thereof being read;

The said Bill was accordingly read and referred to a Select Committee, composed of the Honourable Mr. Moffatt, the Honourable Mr. Robinson, Mr. Macdonald of Kingston, Mr. LeMoine, and Mr. Leslie, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bills of Exchange Bill, (Foreign.) The Order of the Day for the second reading of the Bill to amend the Law relative to damages on Protested Foreign Bills of Exchange, being read;[22]

The said Bill was accordingly read and referred to the foregoing Select Committee.

Partition of Lands Bill, (L. C.)

The Order of the Day for the second reading of the Engrossed Bill from the Legislative Council, intituled, "An Act to facilitate the partition of Lands, Tenements, and Hereditaments, in certain cases in Lower Canada," being read;

The said Bill was read accordingly.

The Honourable Mr. Moffatt moved, seconded by the Honourable Mr. Robinson, that the said Bill be referred to a Select Committee, composed of the Honourable Mr. Moffatt, Mr. Colville, Mr. M'Connell, the Honourable Mr. Aylwin, and the Honourable Mr. Attorney General Smith, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Macdonald of Cornwall, seconded by the Honourable Mr. Robinson,

Ordered, That the further consideration of the said motion be postponed until to-morrow.

Carruthers' Relief Bill.

The Order of the Day for the second reading of the Bill to authorize the Court of Queen's Bench and the High Court of Chancery, at their discretion, to admit Frederic Fraser Carruthers, to practice as an Attorney and Solicitor thereof respectively, being read;

Ordered, That the said Bill be read a second time on Monday next.

Queenston and Niagara Assessment Bill.

The Order of the Day for the second reading of the Bill to alter the mode of Assessment in the Towns of Niagara and Queenston being read;

The said Bill was accordingly read, and ordered to be Engrossed.

Hochelaga Division Bill.

The Order of the Day for the second reading of the Bill to divide the Municipality of Hochelaga into five distinct Municipalities, and further to provide for the support of Schools and the management of local affairs therein, being read;

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Leslie, the Honourable Mr. Papineau, the Honourable Mr. LaFontaine, Mr. Jobin, and Mr. DeWitt, to report thereon with all convenient speed; with power to send for persons, papers, and records.

St. Patrick's Society Incorporation Bill.

The Order of the Day for the second reading of the Bill to incorporate the St. Patrick's Society of Montreal, to enable the said Society more efficiently to manage the affairs thereof, being read;

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Albion Road Bill.

The Order of the Day for the House in Committee on the Bill to incorporate certain persons under the name of the Albion Road Company, being read;

The House accordingly resolved itself into the said Committee.

Mr. Jobin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Jobin reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Temperance Houses Bill, (U. C.)

The Order of the Day for the House in Committee on the Bill to enable the District Councils in Upper Canada to regulate Temperance Houses, being read;

The House accordingly resolved itself into the said Committee.

Mr. Merritt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

Montreal Roads.

The Order of the Day for the House in Committee on the First Report of the Select Committee to which was referred the Petition of E. Guy, Esquire, and others, residing on the Lower Lachine Road, and other reference, being read;

Ordered, That the said Order of the Day be postponed until Monday next.

(181)

"Les Dames Religieuses de Notre Dame de Charité du Bon Pasteur" Incorporation Bill.

The Order of the Day for the second reading of the Bill to incorporate "Les Dames Religieuses de Notre Dame de Charité du Bon Pasteur," at Montreal, for the care and reformation of Female Penitents being read;

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Williams took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Williams reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

"La Banque des Marchands" Incorporation Bill.

The Order of the Day for the second reading of the Bill to incorporate "La Banque des Marchands," being read;

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Wolfe Island Railroad Bill.

The Order of the Day for the second reading of the Bill to incorporate the "Wolfe Island, Kingston, and Toronto Railroad Company," being read;

The said Bill was accordingly read, and referred to the Select

Committee on Railroads.

Sheriffs' Poundage Bill. The Order of the Day for the second reading of the Bill to regulate the poundage to be received by Sheriffs on Executions, and for other purposes therein mentioned, being read;

The said Bill was accordingly read, and committed to a Committee of the whole House to-morrow.

Municipal Councils Bill, (L. C.) The Order of the Day for the second reading of the Bill to repeal the Acts therein mentioned, and to amend the Law for the establishment of Local and Municipal Authorities in Lower Canada, being read;

Ordered, That the said Bill be read a second time on Friday next.

Peterboro' Railway Bill. The Order of the Day for the second reading of the Bill to incorporate the "Peterborough and Port Hope Railway Company," being read;

The said Bill was accordingly read, and referred to the Select Committee on Railroads.

Railways Bill. The Order of the Day for the second reading of the Bill to consolidate in one Act provisions usually inserted in Acts authorizing the making of Railways, being read;

Ordered, That the said Bill be read a second time on Monday next.

Quebec Cullers Society Incorporation Bill. The Order of the Day for the second reading of the Bill to incorporate "the Quebec Cullers' Benevolent Society" being read;

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Chabot, Mr. Lantier, the Honourable Mr. Aylwin, Mr. Laurin, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Commissioners of Enquiry Bill. The Order of the Day for the second reading of the Bill to empower Commissioners for enquiring into matters connected with the Public Business, to take evidence on oath, being read;

Ordered, That the said Bill be read a second time, on Friday next.

Common School Bill, (L. C.) The Order of the Day for the second reading of the Bill to repeal certain enactments therein mentioned, and to make better provision for Elementary instruction in Lower Canada, being read;

Ordered, That the said Bill be read a second time on Friday next.

Fish Protection Bill, (U. C.) The Order of the Day for the second reading of the Bill to prevent persons Fishing with nets on the shores of Lakes in Upper Canada, from the tenth of June to the first of September in each year, being read;

The said Bill was accordingly read, and committed to a Committee of the whole House on Monday next.

Bathurst School Monies Bill.

The Order of the Day for the second reading of the Bill to enable the District of Bathurst to receive the School Moneys apportioned to it in the year one thousand eight hundred and forty five, notwithstanding the failure of the District Council to levy an equal sum, being read;

The said Bill was accordingly read, and ordered to be Engrossed.

Cobourg Manufacturing Company.

The Order of the Day for the second reading of the Bill to incorporate the Cobourg Manufacturing Company,[23] being read;

Mr. Meyers moved, seconded by Mr. Williams, that the said Bill be now read a second time.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Chalmers, Chauveau, Christie, Cummings, DeWitt, Dickson, Foster, Gowan, Hale, Hall, Jessup, Laterrière, Laurin, Macdonald of KINGSTON, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Monro, Murney, Robinson, Rousseau, Scott, Seymour, Smith of FRONTENAC, Smith of WENTWORTH, and Williams.--(28.)

NAYS.

Baldwin, Bertrand, Duggan, Lantier, Powell, Price, Roblin, and Sherwood of BROCKVILLE.--(8.)

So it was carried in the affirmative, and

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.[24]

Niagara Suspension Bridge Bill.

The Order of the Day for the House in Committee on the Bill for erecting an International Bridge over the Niagara River at or near the Falls of Niagara, being read;

The House accordingly resolved itself into the said Committee.

Mr. Hall took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Hall reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Quebec and Melbourne Railroad Bill.

The Order of the Day for the second reading of the Bill to incorporate the "Quebec and Melbourne Railroad Company," being read;

The said Bill was accordingly read, and referred to the Select Committee on Railroads.

Quebec Gas and Water Company

The Order of the Day for the second reading of the Bill to repeal the Act incorporating the Quebec Gas Light and Water Company, being read;

repeal Bill. The said Bill was accordingly read, and committed to a Committee of the whole House to-morrow.

Quebec Water Bill. The Order of the Day for the second reading of the Bill for supplying the City of Quebec and parts adjacent thereto with Water, being read;

The said Bill was accordingly read, and committed to a Committee of the whole House to-morrow.

Quebec Gas Bill. The Order of the Day for the second reading of the Bill for Lighting the City of Quebec with Gas, being read;

The said Bill was accordingly read, and committed to a Committee of the whole House to-morrow.

(182)

Simcoe Registry Office Bill. The Order of the Day for the House in Committee on the Bill to provide for the removal of the Registry Office of the District of Simcoe, from its present site, to Barrie, the District Town, being read;

The House accordingly resolved itself into the said Committee.

Mr. Bertrand took the Chair of the Committee, and after sometime spent therein,

Mr. Speaker resumed the Chair;

And Mr. Bertrand reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Orders of the Day. The Honourable Mr. Viger moved, seconded by Mr. Duggan, that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Cobourg Railroad Bill. The Order of the Day for the House in Committee on the Bill to revive and amend the Act of Upper Canada, incorporating the "Cobourg Railroad Company," and for other purposes therein mentioned, being read;

The House accordingly resolved itself into the said Committee.

Mr. Chauveau took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Chauveau reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Orders Postponed. Mr. Dickson moved, seconded by Mr. Gowan, that the remaining Orders of the Day be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Baldwin, Cauchon, DeWitt, Dickson, Gowan, Jessup, Méthot, Powell, Price, Roblin, Rousseau, Seymour, Smith of FRONTENAC, and Viger.--(14.)

NAYS.

Bertrand, Chauveau, Christie, Lantier, Laterrière, Laurin, Macdonald of KINGSTON, Monro, and Robinson.--(9.)

So it was carried in the affirmative, and

Ordered, Accordingly.

Then, on motion of the Honourable Mr. Viger, seconded by Mr. Gowan, The House adjourned.

FOOTNOTES - 29 APRIL 1846.

1. MONTREAL TRANSCRIPT, 2 May 1846. Although this petition was not reported in the JOURNALS of 29 April 1846 it was reported in the proper context by MONTREAL TRANSCRIPT and was thus inserted among the petitions laid on the table on this day.
2. The debate on this motion was reported by: MIRROR, 29 April 1846, MONTREAL TRANSCRIPT, 2 May 1846, and BRITISH COLONIST, 12 May 1846, in identical accounts. MONTREAL TRANSCRIPT, 2 May 1846, and BRITISH COLONIST, 12 May 1846, observed that "a very long and warm debate took place on this motion."
3. MIRROR, 29 April 1846.
4. MONTREAL TRANSCRIPT, 2 May 1846.
5. MIRROR, 29 April 1846.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. A commentary on this Bill may be found in PILOT, 30 April 1846.
23. A commentary on this Bill may be found in KINGSTON NEWS, 4 May 1846.
24. MONTREAL TRANSCRIPT, 2 May 1846, and BRITISH COLONIST, 12 May 1846, added: "it being understood that limited liability would not be permitted."

(182)

Petitions laid on the table.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Riddell,--The Petition of Joseph Haywood and others, members of the United Church of England and Ireland, in the Townships of Burford and Norwich, in the Diocese of Toronto.

By Mr. Hale,--The Petition of Michael M'Carthy, a Messenger of the Legislative Assembly; and the Petition of James Voller and John Kay, Messengers of the Legislative Assembly.

By Mr. Macdonald of Cornwall,--The Petition of Alexander M'Lean, Esquire, and others, of the Town of Cornwall.

By Mr. Chabot,--The Petition of Archibald Campbell, Esquire, and others, of the City of Quebec and its environs, (relating to Roads).

By the Honourable Mr. Attorney General Smith,--The Petition of Joseph J. Higgins and others, of the County of Missisquoi; and the Petition of the Montreal Gas Light Company.

"Les Dames Religieuses de Notre Dame de Charité du Bon Pasteur" Incorporation Bill.

An Engrossed Bill to incorporate "Les Dames Religieuses de Notre Dame de Charité du Bon Pasteur," at Montreal, for the care and reformation of Female Penitents, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Leslie do carry the said Bill to the Legislative Council, and desire their concurrence.

Bathurst School Monies Bill.

An Engrossed Bill to enable the District of Bathurst to receive the School Moneys apportioned to it in the year one thousand eight hundred and forty-five, notwithstanding the failure of the District Council to levy an equal sum, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Gowan do carry the said Bill to the Legislative Council, and desire their concurrence.

Hastings Titles Bill.

An Engrossed Bill to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry the said Bill to the Legislative Council, and desire their concurrence.

Simcoe Registry Office Bill.

An Engrossed Bill to provide for the removal of the Registry Office of the District of Simcoe from its present site to Barrie, the District Town, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to provide for the removal of the Registry Office of any County in Upper Canada, when the public convenience may require such removal."

Ordered, That the Honourable Mr. Robinson do carry the said Bill to the Legislative Council, and desire their concurrence.

Niagara and Queenston Assessment Bill.

An Engrossed Bill to alter the mode of Assessment in the Towns of Niagara and Queenstown was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Dickson do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day the following Petitions were read:--

Of G. L. Perry and others, residing on a certain part of the road which communicates with that between Montreal and the Parish of Sault au Récollet; praying that the said road be Macadamized.

Of the Reverend A. Duranseaux and others, of St. Michel, Lachine; praying that the Railway Trains may be prohibited from running on Sundays.

Of the Honourable Austin Cuvillier and others, Citizens of Montreal; praying that means may be adopted for a repeal of all Duties on American Wheat, Provisions and Corn generally; and that American Produce imported into Canada, may be admitted into England on the same terms as Colonial Produce.

(183)

Petitions referred:--

Toronto Medical Students.

Ordered, That the Petition of John Reid and others, Students of the Toronto Medical School, be referred to the Select Committee to which was referred the Bill to regulate the study and practice of Medicine, Surgery and Midwifery in this Province.

Toronto Medico Chirurgical Society.

Resolved, That the Petition of John King, Esquire, M. D., and George R. Grasett, Esquire, L.M., on behalf of the "Toronto Medico Chirurgical Society," be referred to a Select Committee composed of the Honourable Mr. Solicitor General Sherwood, Mr. Boulton, and Mr. Duggan, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

D. Macnab, Esq. et al.

Resolved, That the Petition of Daniel Macnab, Esquire, and others, of the Town of Hamilton, in the District of Gore, be referred to a Select Committee, composed of Mr. Webster, Mr. Price, Mr. Petrie, Mr. Macdonald of Kingston, and Mr. Chalmers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons,

papers, and records.

Gaspé Marriages, &c., Bill. Mr. Christie, from the Select Committee to which was referred the Bill relating to the Magdalen Islands in the Gulf St. Lawrence, and to enable the Inhabitants, householders thereof, to establish a Municipal Council in the said Islands, and other References, with an Instruction to the said Committee and with power to report from time to time, reported that the Committee had gone through the Bill to make provision for the legal proof and preservation thereof, of certain informal marriages had, anterior to a certain date therein mentioned, before Justices of the Peace and others, in the Inferior District of Gaspé, as ratified by Act of the Legislature of Lower Canada, but whereof no register or records have been kept, and for recording the same, including also certain births or baptisms, and burials in the said District; and had made several amendments thereto, which amendments were again read at the Clerk's table.

(For the said Report, see Appendix Y.)

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Thursday next.

Printed. Ordered, That the said Report, evidences and Appendix to the same, be printed for the use of the Members of this House.

Oxford Election. Mr. Chauveau, Chairman of the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the City of Montreal, complaining of the undue Election and Return of Robert Riddell, Esquire, Sitting Member for the County of Oxford, reported, that, pursuant to adjournment, the Committee met at nine o'clock this day; but in consequence of the absence of Mr. Lantier, a Member of the Committee, they were unable to proceed to business.

Member to attend in his place. Ordered, That Mr. Lantier, Member for the County of Vaudreuil, do attend in his place in this House, at the next sitting thereof.

Railway Bills. The Honourable Mr. Robinson, from the Select Committee on Railroad Bills, presented to the House the Third Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Report. Your Committee have examined the Bill to amend an Act passed in the 8th year of Her Majesty's Reign, intituled, "An Act to amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, 'An Act to incorporate the City of Toronto and Lake Huron Railroad Company,'" with certain amendments, which they submit to your Honourable House.

Toronto and Lake Huron Railroad.

St. Lawrence and Atlantic Your Committee have also examined the Bill, to amend the Act incorporating "the St. Lawrence and

Railroad. Atlantic Railroad Company," and recommend the same for the favourable consideration of your Honourable House, without any amendment.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Robinson,

Toronto and Lake Huron Railroad. Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to amend an Act passed in the 8th year of Her Majesty's Reign, intituled, "An Act to amend an Act passed in the sixth year of the Reign of His late Majesty, King William the Fourth, intituled, 'An Act to incorporate the City of Toronto and Lake Huron Railroad Company,'" as reported by the Select Committee on Railroads.

The House accordingly resolved itself into the said Committee.

Mr. DeWitt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. DeWitt reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Macdonald, of Cornwall,

St. Lawrence and Atlantic Railroad Bill. Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to amend the Act incorporating "the St. Lawrence and Atlantic Railroad Company," as reported by the Select Committee on Railroads.

The House accordingly resolved itself into the said Committee.

Mr. Desaulniers took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Desaulniers reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

West Halton Election. Mr. Williams, Chairman of the Select Committee appointed to enquire into the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, the Sitting Member for the West Riding of the County of Halton, reported to the House the following Resolutions:

1. Resolved, That the evidence taken under the Commission, in the matter of the Contested Election for the West Riding of the County of Halton, cannot be received by this Committee for the want of observance by the Commissioners of the provisions of the

Statute regulating and providing for the adjournments and proceedings of the said Commissioners.

2. *Resolved, That the Commissioners are guilty of a neglect of their duty for having, in the course of their proceedings as Commissioners, adjourned contrary to the provisions of the law.*

Leave to adjourn. *Ordered, That the said Committee have leave to adjourn until Wednesday, the sixth day of May next, at ten o'clock in the forenoon; they being unable at present to proceed with the investigation for want of evidence.*

(184)

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Meyers,

Address, Fees, &c., Clerk of the Crown, (U. C.) *Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement of all Fees and Emoluments, of what kind or nature soever, received for the year 1845, by the Clerk of the Crown in that part of this Province formerly called Upper Canada, together with a statement of the number of Clerks employed in his office during the said year, with their respective salaries.*

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price,

Crown Lands Office. *Resolved, That this House is of opinion that such an alteration should be made in the existing regulations in the Crown Lands Office, as will enable parties buying land from the original purchasers, of any quantity not less than fifty acres, to have their purchases recognized, and on production of the proper assignments and tender of the sums due upon such portions of land, that transfers to the assignees be made in the books of the Department, and that deeds, in the due course of time, be issued to them.*

On motion of Mr. Descaulniers, seconded by the Honourable Mr. Laterrière,

Instruction to Committee. *Ordered, That it be an Instruction to the Select Committee, to which was referred the Bill to divide the Municipality of Hochelaga into five distinct Municipalities, and further to provide for the support of Schools and the management of local affairs therein, to consider the expediency of introducing into the said Bill, one or more clauses to erect the Banlieue of Three Rivers into a separate Municipality, in conformity with the Report of the Standing Committee on Private Bills.*

Message from *A Message from the Legislative Council, by John*

Legislative Council.

Fennings Taylor, Esquire, one of the Masters in Chancery.

Leslie's Relief Bill.

MR. SPEAKER,

The Legislative Council have passed the Bill, intituled, "An Act to indemnify Anthony Leslie, Inspector of Licenses, for having in ignorance of the Law, voted at the late Election for the County of Lanark," without any amendment.

And then he withdrew.

Montreal Sisters of Charity Bill.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to authorize the Community of the Sisters of Charity of the General Hospital, Montreal (Grey Nuns,) to sell or alienate their property situated on Point à Callière, in the city of Montreal, and to invest the capital price or prices thereof in the other Real and Immoveable Property.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Montreal Gas Bill.

Ordered, That the Bill to incorporate the "Montreal Consumers Gas Company," be read a second time on Monday next.

Member added to Committee.

Ordered, That Mr. Desaulniers be added to the Select Committee to which was referred the Bill to divide the municipality of Hochelaga into five distinct Municipalities, and further to provide for the support of Schools and the management of local affairs therein.

Leave of Absence.

Ordered, That Mr. Bouthillier have leave to absent himself from this House during ten days, on account of ill health.

Member excused for not attending Election Committee.

The Order of the Day, that Louis Lacoste, Esquire, Member for the County of Chambly, who was absent yesterday from the Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue Election and Return of James Webster, Esquire, Sitting Member for the West Riding of the County of Halton, do attend in his place in this House to-day, being read;

On motion of Mr. Chabot, seconded by the Honourable Mr. Laterrière,

Resolved, That Mr. Lacoste be excused his non-attendance, for the reasons assigned by the said Select Committee on applying for leave to adjourn their proceedings.

Albion Road Bill.

Mr. Jobin, from the Committee of the whole House on the Bill to incorporate certain persons under the name of the Albion Road Company, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be Engrossed.

Niagara Suspension Bridge Bill. — *Mr. Hall, from the Committee of the whole House on the Bill for erecting an International Bridge over the Niagara River, at or near the Falls of Niagara, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be Engrossed.

Cobourg Railroad Bill. — *Mr. Chauveau, from the Committee of the whole House on the Bill to revive and amend the Act of Upper Canada, incorporating the "Cobourg Railroad Company," and for other purposes therein mentioned, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.*

Ordered, That the said Bill, as amended, be Engrossed.

Jewish Persuasion Bill, (L. C.) — *The Order of the Day for the second reading of the Bill to amend the Act of Lower Canada therein mentioned, extending certain privileges to persons of the Jewish persuasion, being read;*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Sheriffs' Sales Bill, (L. C.) — *The Order of the Day for the second reading of the Bill for empowering Sheriffs in Lower Canada to make judicial sales by licitation, being read;*[1]

MR. CHRISTIE, in the absence of Mr. Aylwin, moved the second reading of the bill, "to empower Sheriffs to make certain Judicial Sales," he stated that this bill was prepared by Chief Justice Vallieres de St. Real, and he had such confidence in this gentleman's legal talent, that he had no hesitation, though unacquainted with its details, to move the second reading.[2]

MR. CHABOT, was opposed to the principle of this bill, but as the introducer of it was absent he would postpone his opposition until a future occasion.[3]

(184)

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Christie, the Honourable Mr. Aylwin, Mr. Solicitor General Taschereau, Mr. Chabot, and Mr. Drummond, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Quebec St. George's Society Bill. — *The Order of the Day for the second reading of the Bill to incorporate the St. George's Society of Quebec, being read;*[4]

MR. CHABOT moved the second reading of the bill[5].

MR. MOFFATT spoke against the policy of incorporating such societies, their funds might be vested in trustees, and all the desired ends

thus gained.[6]

DR. NELSON supported the motion. He conceived the St. George's, St. Patrick's, and St. John Baptist's Societies, to be all charitable and valuable institutions; of the good done by the first named association, especially to emigrants, he could speak from his own experience. The Odd Fellows' Society was another of these institutions, even more valuable than the others, for it embraced all men of all origins and classes, provided only that they wished to do good. And that they did do so, he knew from personal experience. He would mention one instance of a gentleman who had only joined the society for a very few weeks, but who happened to die leaving a wife in a state of poverty. The society paid all the funeral expenses, and granted a pension of $150 per annum to the widow. For these reasons he would vote for the bill now before the House. On a previous evening he had voted against the Odd Fellows' Bill because he had not heard the preceding argument.[7]

MR. SOL. GEN. SHERWOOD was opposed to granting acts of Incorporation to all who asked for them, the practice was becoming a serious abuse, and he would vote against every incorporation that had not in view some great public improvement.[8]

The bill was ((also)) opposed by MESSRS. BERTHELOT, CAUCHON, MOFFATT, ... and several other gentlemen, on the ground that such a society might very well perform its charitable functions without an act of incorporation.[9]

MR. BOULTON said, the St. George's society of Quebec was a wealthy society, and was the means of doing a great deal of good to poor emigrants; all the society required was power to hold a piece of land in the neighbourhood of that City and to erect thereon a building to shelter the objects of its charity.[10]

(184)

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

(185)

Universalists Relief Bill. *The Order of the Day for the second reading of the Bill to afford relief to the Religious Society denominating themselves "The Christian Universalist Association of Canada West," being read;*[11]

MESSRS. BOULTON and SHERWOOD wished to know what were the tenets of this body, and whether it had regularly ordained Ministers to perform the ceremonies of baptism and marriage which it wished to have the privilege of doing.[12]

MR. MCCONELL said there was a large number of this sect in his county, and they were very respectable people. Their doctrine was a very comfortable one[13]. ((They)) profess a belief in the universal salvation of the human race.[14] They believe that Christ died for all, that his atonement was for all, and that their sins would be punished in this world.[15]

MR. MURNEY, gave the society an excellent character; its prevailing characteristic was an extraordinary faith in the atonement of the Saviour.[16]

MR. DRUMMOND expressed his surprise that any member of that House should think it necessary to enquire into the doctrines professed by people who asked for nothing more than to be placed on an equality with their fellow countrymen. It ought to be enough for that House that these people were a numerous and respectable body.[17]

MR. MOFFATT having ascertained that the Universalists had no places of worship, opposed the bill on that ground, because he considered that it was not right to allow people to keep registers whose organization afforded so little security for their permanent establishment.[18]

(185)

The said Bill was accordingly read, and ordered to be Engrossed.

Saguenay Pilots Bill. *The Order of the Day for the second reading of the Bill to make special provision for the Pilotage of vessels bound to the River Saguenay, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Colville took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Colville reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Dumfries Road Bill. *The Order of the Day for the second reading of the Bill to vest in James K. Andrews, a certain allowance of Road in the Township of Dumfries, in the District of Gore, being read;*

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Christie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Christie reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be Engrossed.

Notarial Profession Bill, (L. C.) *The Order of the Day for the House in Committee on the Bill for the better regulation of the Notarial Profession in Lower Canada, being read;*

The House accordingly resolved itself into the said Committee.

Mr. Ermatinger took the Chair of the Committee and after some time

spent therein,

Mr. Speaker resumed the Chair;

And Mr. Ermatinger reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Registry Laws Bill, (U. C.) *The Order of the Day for the House in Committee on the Bill to consolidate and amend the Registry Laws of Upper Canada, being read;*

The House accordingly resolved itself into the said Committee.

Mr. M'Connell took the Chair of the Committee,[19]

MR. SOL. GEN. SHERWOOD. - The House decided, when in committee on a previous occasion that the registration should be, memorial instead of Registering the Deed at full length. The only alterations that have been made ... ((are)) to accommodate the bill to this decision.[20]

MR. BALDWIN, was opposed to obliging the Registrars ((to)) reside in the county. The registrar of the county of Simcoe will be affected by this bill; if he would move across the road he would be in the county. No inconvenience has resulted from his non residence; for his office is one of the best kept in the province.

He moved that the words resident in the county, should be struck out.[21]

MR. MURNEY. - Thought that this was one of the most important and valuable features in the bill. The registrar of the county of Hasting has not been in the county for 20 years, and even since 1832, the office has been in such a bad state, that we have been obliged this session to legislate with respect to it.[22]

MR. THOMPSON. - It appeared to him that the Registrar ought to reside not only in the county, but also in the county town, and that they should also be obliged to build an office with fire proof vaults at their own expence; and they should hold office at the pleasure of the executive. If the present incumbents did not wish to keep their offices on these conditions, there would be plenty of applications for their situations. - He mentioned an instance of a vacant Registrarship having been refused to a gentleman, who had offered to build an office with fire proof vaults, and given to a favourite of the Government, and now the county is to be put to the expense of building vaults.[23]

The motion was lost.[24]

(185)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. M'Connell reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

Orders Postponed. *Ordered*, That the remaining Orders of the Day be postponed until to-morrow.

Then, on motion of Mr. Gowan, seconded by Mr. Chauveau, The House adjourned.

APPENDIX, 30 APRIL 1846.

((NOTICE OF MOTION RE: BOARD OF WORKS.))[25]

MR. HALL - moved to refer the report of the Commission appointed to enquire into the proceedings of the Board of Works, and the report of the Board of the Works to a select Committee.[26]

MR. AT. GEN. SMITH objected to the motion - firstly, upon the ground that[27] it meant to take the disposition of the Board of Works out of the hands of the Government, who alone were, as they ought to be,[28] entirely[29] responsible for the conduct of the department;[30] and secondly, because no notice of the motion had been given. He assured the hon. member that[31] the government have not been neglecting the question of the state of the Board of Works,[32] ((they)) had a measure in preparation on the subject,[33] ((and)) would be prepared to give to the House an expression of opinion on this matter in a few days.[34] ((He)) requested that this motion might be allowed to stand till next day as a notice.[35]

MR. HALL had no objection to leave the question in the hands of the Government, and was glad to hear that it had at length endeavoured to take action upon it. It was of the greatest importance that the doings of the Board should be enquired into. He (Mr. H.) could say that there was a statement in the Report[36] of the Chairman[37] of the Board in reference to the county to which he belonged, which was false.[38]

MR. WILLIAMS, I say the same.[39]

MR. HALL did not desire to run counter to the Government, or to embarrass them in any way in regard to the measure they intended to introduce, and he would therefore change his motion to a notice.[40]

MR. ROBINSON said, that in seconding the motion before the House, he had not had the slightest intention of embarrassing the Government, but it was with the intention of calling the attention of the Government to the necessity of a change in the system of the Board of Works; he would not allude at all to the persons composing it, and he thought he would be able to convince the Government of the necessity for such a change. In 1841, the sum of £30,000 had been voted for his district, but as no works had been commenced up to the time he took office, the first thing he did, on entering into the Government was to make enquiries respecting the expenditure of this sum, but a short act was introduced and passed last session to relieve doubts as to the expenditure of these 30,000, and it was perfectly well understood by himself, the Chairman of the Board of Works, and the Government, that the sum of £9000 should be spent[41] in Simcoe[42].

"Hear, hear," from MR. LAFONTAINE.[43]

MR. ROBINSON ((continued:)) But instead of that, only £1,700[44] had been laid out there,[45] a great part of the remainder had been devoted to the improvement of Yonge Street.[46] Nor would he have complained if that road had been properly attended to,[47] ((for)) even the

Yonge street road was of great importance to his constituents in enabling them to reach market. He had himself offered to show every foot of the route to the engineer, and having done so, requested him to advertise for Tenders for the Work, but was told that it could not be done without orders from his superior. This was in June, and one of the finest seasons that could be for carrying on the work, but from that time, until the rainy season, in October, nothing was done, but writing backwards and forwards, and at length he (Mr. R) received a very civil answer in reply to some of his letters, that his suggestions were complied with, and the work was commenced, but[48] the heavy rains ... had so spoiled the work on the four miles on which contracts had been taken, that they were rendered[49] so impassable, that his constituents could not reach market, and there are statements now before the Government, shewing that some of them had lost from three to five thousand pounds[50] in consequence. He repeated that his intention was not to embarrass the Government, but to have this subject brought before a committee, where he and his brother members, including some members of the Administration might consult on the subject.[51] He did not blame the Chairman or any member of that Board, but believed it was the malconstruction of that Board which led to these evils. He believed nothing would benefit the Government more than an enquiry, and the remedying of this defect.[52] To show the immense expense incurred in the surveys of this Board,[53] to show fully his object, he would beg hon. members to look at that part of the report respecting his county, and they would find[54] that £824 had been expended on one of these roads in engineering alone, out of which not less than £39 18s. 4d., had been laid out for postage -[55] and every one did not know what good might be done even with £40 in the back roads of the Province. (Hear, hear.)[56] ((This)) sum ... might have been used to effect substantial improvements.[57] All he required was the adoption of some system, in order to repress this extravagance, and if a local board were appointed in any part of the Province where any specific sum was to be laid out, he felt confident it would go a great way towards effecting his object; he had recommended it last year, and if his recommendation had been followed, the road would have been finished by this time.[58]

MR. CHAUVEAU complained that no money had been expended in Lower Canada.[59]

MR. CAUCHON was speaking to the question in French[60].

He was interrupted by MR. GOWAN who advised him not to enter into a discussion of the Board of Works now, but wait until the bill promised by the Government should be introduced.[61]

MR. CAUCHON said, the Government had made so many promises which they had not kept, that he no longer put very great faith in them. He then went on to say that[62] the enormous excess of the expenditure over the estimates on public works, showed either that the President of the Board of Works was[63] incapable for his situation, or he had wilfully misled the House.[64] He held Mr. Killaly unfit for his situation,

his estimates of expenditure being almost always incorrect, when he estimated that a work would cost of £200,000, it generally turned out that it cost double or treble that sum. (Hear.)[65] This was too great a difference to be accounted for in any other way.[66] When the President of the Board of Works made great promises of deepening and widening the Channel of Lake St. Peter, it must be evident to every one that the money was uselessly thrown away,[67] no advantage could be gained from it, the water was so stagnant,[68] ((and)) too deep and the current too rapid to effect the object proposed.[69] It was useless to try and force it into crooked channels. Why was the work continued?[70]

MR. AYLWIN. - For Captain Vaughan.[71]

MR. CAUCHON ... was not opposed to ameliorations, he would be glad to see the St. Lawrence so much improved that sea going vessels might reach the Upper Lakes, but when money was thrown away as in Lake St. Peter, he would wish the Government ((would)) make some inquiry, and see whether Mr. Killaly was really incompetent to perform his duties, and if so impose some check upon the vast expenditure of the House.[72]

MR. WILLIAMS - said, that by referring to the report of the Board, hon. members would observe that there had been a project to connect Lake Ontario with Rice Lake by a road[73] only ten miles and a half in length, for which the house had appropriated a sum of money. The road was to be macadamized. Now at this moment, on the north end of the road, that was to say the Rice Lake end, the line was graded but not macadamized; and the other end was neither macadamized nor graded.[74] Not ten days since he had enquired of the Ministry whether an order had been given to levy tolls on this road in its incomplete state, and he had then stated that the northern end of this road was graded but not macadamized and about a mile and a half of the southern end neither graded nor macadamized. The Government had then informed him that no such order had been made, but what was his astonishment to find in the report in his hands,[75] this short notice: - "The Ontario and Rice Lake Road is completed." That was all the notice taken of it.[76] He repeated that the northern and southern ends were not finished and the report was therefore incorrect. (Hear, hear.)[77]

MR. BALDWIN - said, that before the motion was withdrawn, he would call the attention of the House to a work, respecting which he had laid on the table a great number of petitions both last Session, and the present Session, and which was second in importance to none of the second class works in the Province, he referred to the Scugog[78] and Narrows Bridge[79] Road (hear, hear) respecting the progress of which he had wished to obtain some information, but had not demanded it from the Government, as many hon. members had done so and were uniformly told they would receive a satisfactory statement in the report of the Board of Works. However he had nothing to do with the Board of Works, it was the Executive he would hold responsible, it was their duty to investigate the conduct of their servants and if they were found incompetent for the discharge of their duties, then they should appoint

others. He did not care what commissions they chose to issue to inquire into the proceedings of the different departments, although it might appear a little strange to do so, but whoever the Commissioners might be, or whatever might be their duties, he would, according to English practice, hold the Executive responsible for the outlay of the public money, and the progress of the public works.[80] That road had been mentioned in the Report of the Board of Works in[81] November 1844, and when of course the preliminary investigation must have been gone through,[82] and the recommendation contained in that report had been adopted by the Administration, who had recommended the making of the road, because, in the words of the Report, "it would open up the finest imaginable section of the country, and facilitate the approach to the Great West"[83] the Government ... had last Session passed a vote of £2,000 for the purpose of making this survey. Well after that, what would hon. members suppose was the action of the Board and the Administration with respect to[84] carry((ing)) out the intentions of the Legislature? They sent Mr. Lyons[85], an engineer[86], to survey the road, and plans were prepared by that gentleman;[87] and as was always the case and always will be the case, whatever route is selected private interests will recommend another line, and he (Mr. B.) became the organ of communication with the Government, forwarding petitions from that part of the country, and he could have hoped that after having lost all summer, he would hear something of the survey in the report of the Board. Now he would trouble hon. members to look at what the report did say[88] upon the subject:--

"Early in the past year the Superintendent of the Works in this District received instructions to make a careful examination of the line of country, existing Roads, &c., to enable him to report to the Board his opinion as to the route to be adopted; he accordingly furnished a Map, Report and Estimate, for the construction of a Road in the line which, in his judgement (sic) was most eligible. Against this line several strong memorials and remonstrances were presented, and although founded, as I conceive, on local interests, it has been thought advisable to suspend any expenditure, and to lay the documents before the Legislature for their decision."[89] He must say that was nothing less than an attempt at a return to the old system of jobbing[90], as if the House was a Board to decide on questions which pertained solely to the professional character of the department of Public Works.[91] Hon. members of the Administration might smile, but he would tell them that it was their duty to force the Board of Works to give a satisfactory report, and it was them he would hold responsible for the execution of those works,[92] ((not)) its President.[93] It was their duty to prevent any of this jobbing and not leave things to a system of hocus pocus.[94] He disapproved of the conduct of the Administration in appointing a Committee to enquire into the proceedings of one of its own departments, and he looked upon the Report of that Committee as a parcel of stuff. Still he should vote against the motion if it were intended to be seriously pressed, because he agreed with the hon. member for Missisquoi that the House could not step into removing the responsibility from the Administration.[95] And this brought him to a question he

was anxious to ask the hon. member for Peterborough, it was whether in making his motion he had the intention of referring the report to a Committee in order to adjudicate on all these matters.[96]

MR. ROBINSON - In the absence of the hon. member would answer for him, that such was not his intention, but merely to bring the report before the House.[97]

MR. BALDWIN. - If such had been the object, he would say that the Government should take the initiative in it, and see that every public servant did his duty, and if he were incompetent give some reason why he was continued in his situation. He would set aside the commissions altogether, he would hold the Administration responsible - the hon. member for Three Rivers smiled, he did not know whether it was in assent or dissent, if the latter it placed him (Mr. B.) in a great dilemma as he received a smile of approval from the hon. Attorney General, and a smile of dissent from the hon. President of the Council, a fresh proof of the unanimity existing in the Cabinet (hear, hear.)[98]

MR. PRES. EX. COUN. VIGER - made ... ((a)) remark[99].

MR. BALDWIN - was perfectly satisfied as he did not wish to misinterpret even the smiles of the hon. member. He would merely say in conclusion that he hoped the Government would come before the House speedily and deal with this subject as it deserved.[100]

MR. GOWAN - said this appeared to be a smiling subject to the hon. member for the Fourth Riding, and when comparing the smiles of the hon. member for Three Rivers, with the smiles of the hon. Attorney General, it struck him (Mr. G.) that the hon. member in some respects resembled a certain lady who could have been very happy with either of her lovers if the other was away. His sentiments with respect to the Board of Works were not at all altered since last Session, when he had charged the Board with serious offences, offences of an aggravated nature, and the Government had then promised that Commissioners should be appointed to investigate into the allegations made against it. With respect to what had fallen from the hon. member for the Fourth Riding he must say he was delighted with his speech, when he remembered with what ability the hon. member had defended Mr. Killaly last Session, and he was glad to hear that hon. member say the Government must be held responsible for the proceedings of the Board of Works. In his opinion there were facts stated in the report of that Board which called loudly for the dismissal of the officer at its head, and he wondered that the Government had dealt with him so leniently hitherto. What did that report show?[101] It was shown that £9,000 had been voted for building lighthouses, and making roads thereto; but it appeared that the President of the Board had taken upon himself the responsibility without the sanction of any authority of granting that sum as a loan to the Cobourg Harbour Company.[102] He had also expended without any authority, the enormous sum of £50,000 in making a cut to let the water in from Lake Erie to the Welland Canal[103], ((and)) the expenditure had exceeded the estimates by half a million. All these facts in his opinion called loudly for inquiry.[104] Several

large sums had been voted for works in the Townships, and the members from that section of the country had good reason to complain that nothing had as yet been done in carrying out the objects for which they were made.[105] Yet he thought that circumstance, of itself, afforded a sufficient explanation of the delay. Ministers found the funds insufficient for all the works; they had therefore, to decide which were the most important,[106] ((and)) it must be remembered that the improvement of the St. Lawrence navigation was of the greatest importance, and when the expenditure had exceeded the estimates, he thought the Government or the Board of Works whichever it was, was justified in making a selection, in order to carry that work on.[107]

MR. LAFONTAINE. - You will always get votes.[108]

MR. GOWAN continued - He sincerely hoped the Administration would, and for his part he had no doubt of it. But returning to the question, he would say that the conduct of Mr. Killaly was totally indefensible, and when he spoke of that gentleman, it must borne in mind that he (Mr. K.) had stated to a committee that he had no Board, that he was in fact the Board itself, and consequently was alone answerable for its proceedings.[109] He could not conceive that the Government could any longer continue that officer in their employ after the gross incapacity he had shown.[110] After stating that he had interrupted Mr. Cauchon in order to remind him that the Government had promised to bring in a bill to remodel the Board, he advised Mr. Hall to withdraw his motion, and wait till the bill was introduced.[111]

MR. BALDWIN said his views were not at all changed since the last Session, he was still ready to support the view then taken by him: that the Administration was answerable to the House for the Board of Works, and not the President of that Board.[112]

MR. LAFONTAINE spoke at considerable length in French.[113] ((He)) said that the Board of Works was part of the machinery by which the inconvenience of a state of bankruptcy was transferred from Upper Canada to the United Province, and affirmed that, in his opinion[114] the report of the Chairman of the Board of Works was all bosh, but Mr. Killaly[115] was the victim of the vicious system introduced in 1841.[116] It was the machinery of the Board which was defective, and the Administration was responsible for the acts of the Board.[117] He also complained that the Ministry had come down last Session to ask for appropriations for roads through the Eastern Townships and ... other places, when they knew that they had not one sou in their coffers. He conceived they had taken that unjustifiable course in order to gain a few votes.[118] So long as the Government had money to give away they would have the support of such men as Mr. M'Connell. He also wished to know if it was the intention of the Government to prorogue the House at the end of 15 days.[119]

MR. MCCONNELL said his name had been called in question by the hon. member for Terrebonne, who, if he understood him rightly, had said that as long as money could be procured from he (sic) Government,[120] there would be votes from the Eastern Townships, and from himself, as one of

the members for that part of the country.[121]

MR. LAFONTAINE had not said exactly that, but he was prepared to adopt the sentiments.[122] (Hear, hear.)[123]

MR. MCCONNELL thought the hon. member, then, had made a most unwarrantable assertion; for his own part he was quite ready to explain[124] why he voted with the Government.[125] The people of that part of the country of which he was the representative, had supported Mr. LaFontaine and his party for many years; he had himself done so from conscientious motives, a native born Canadian he had followed him because he considered the course he took the right course, and he had not left him until he found that he had plunged the country into a state of Rebellion. (Loud cheers.)[126]

Hear, hear, from MR. LAFONTAINE[127].

MR. MCCONNELL ((resumed:)) And into all the calamities which were its necessary concomitants[128]. Nay even after that, considering that he had not calculated on or desired such a result, as had come about, he still gave him his support[129], because he thought ... ((his)) motives good[130]. But when her (sic) saw him come into power,[131] when he found they were going the old bad road,[132] and the like results were about to follow, (Loud Cheers)[133].

Hear, hear, from MR. LAFONTAINE[134].

MR. MCCONNELL ((continued:)) When he saw attempts made to do away with the prerogative of the Crown - (Loud Cheers)[135] (and laughter)[136] - and to force into obedience the best of Governors, (Vehement cheering) - then[137] he and his friends determined to give them up[138] ((and)) transferred ... ((their)) support to the present Administration[139]. He would for the future support the existing Ministry so long as they proposed good measures, but he scorned the insinuation of mercenary motives that had been thrown out against him[140] ((and he)) cast back the imputation of the member for Terrebonne.[141]

MR. INSP. GEN. CAYLEY was glad to hear two admissions made by the member for Terrebonne[142], first ... the remark that the Board of Works was not to blame, but the Administration under which it acted. His reason for that was that he had had some compunction about framing the report, because he feared it pressed too hard upon a gentleman who not being in the House would have no opportunity of defending himself; but as both sides of the House agreed that the Government was the responsible party, he would merely declare that[143] when the proper time came, he should be prepared to show why that report was unsatisfactory; for the responsibility the present Government was quite willing to assume their share, - he hoped the Administrations of 1841 to 1843 were equally willing to bear theirs.[144] He also thanked the hon. gentleman for saying that the report was all "bosh" - he thought that was the word. When the time came he should be prepared to prove the allegations contained in it.[145]

MR. AT. GEN. SMITH would not at that moment blame or defend the Board of Works, because he took the real question to be whether the House would sanction the principle of appointing a Committee to enquire into a department of the Government.[146] ((He)) admitted at once the responsibility of the Administration for the proceedings of the Board of Works; there could not be the slightest doubt of that. But if he remembered right, by the law of 1841, which established the Board, the Chairman is bound to send in his report of the duties which devolve upon him within fifteen days after the opening of the session, and when the question came before the House at the proper time, he would show that the Chairman was alone responsible for the report. The report of the Board, he was well aware, was made to the Executive, but he wished to know if they differed from the Board in opinion, could they prevent the report being laid before the Legislature? The reading of the law, he thought, would fully bear him out, that the Executive was the channel of communication, but they had no power to withhold the report.[147]

"Certainly."[148]

MR. AT. GEN. SMITH ((resumed:)) The Chairman of the Board is alone responsible for it[149]. He would not at that time either blame or defend that gentleman because this was not the proper time to do so.[150] It is not in the power of the Administration to control one single item which ... ((the report)) contains, but ((they)) are bound to maintain it in the House as being the work of one of their servants, and if they cannot justify him and justify themselves, then they must take a different course.[151] He should when the motion came up resist it on the principle that it was not in the power of that House to appoint a Committee to investigate the conduct of a public department, or a public officer.[152] He would ... now, merely ... ((confine)) himself to opposing the present motion on the principle that it was entirely subversive of the existing system of Government. As to the question which had arisen, as to the responsibility of the Government for the acts of the Board, he declined to enter into a discussion now, but on another occasion, he will do so fully[153]. He might, however, advert to one thing - it was that the Province was in debt to the amount of £3,000,000, but that was not properly the fault either of the existing Administration or the preceding one,[154] but principally of that of 1841.[155] ((The)) effects will be felt for years hereafter; but if a debt exists now, yet he hoped in a few years if no accident occurs, our revenues will be in such a flourishing condition, that we may be enabled to pay it all off; but[156] each of those Administrations must take their own share of the responsibility ... in a manly straightforward manner[157] as he[158] and ((his)) colleagues were[159] prepared to do. As the honble. member for Terrebonne had asked, which he had a perfect right to do, whether it was the intention of the Government to prorogue within fifteen days, he would tell them that it was not their intention to prorogue within fifteen days; but as soon as their measures passed through the House. He would again say that the motion now before the House, involved a vital principle of the Government, and he felt bound to oppose it.[160]

MR. BERTHELOT mentioned that he had always opposed the establishment of the Board of Works, because he thought it calculated to promote jobs. He also complained of the extravagant and useless expenditure on Lake St. Peter, which, he said, would make us become ridiculous - of all possible calamities the most disastrous. (Laughter.)[161]

MR. HALL consented to allow his motion to stand over as a notice.[162]

FOOTNOTES - 30 APRIL 1846.

1. The debate on this motion was reported by: MIRROR, 30 April 1846, incorrectly dated as 1 May, and PILOT, 5 May 1846, in identical accounts.
2. MIRROR, 30 April 1846, incorrectly dated as 1 May.
3. IBID.
4. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 2 May 1846; and MONTREAL GAZETTE, 4 May 1846.
5. MONTREAL TRANSCRIPT, 2 May 1846.
6. MONTREAL GAZETTE, 4 May 1846.
7. MONTREAL TRANSCRIPT, 2 May 1846.
8. MONTREAL GAZETTE, 4 May 1846.
9. MONTREAL TRANSCRIPT, 2 May 1846. According to MONTREAL TRANSCRIPT, Henry Sherwood also shared these ideas.
10. MONTREAL GAZETTE, 4 May 1846. MONTREAL TRANSCRIPT, 2 May 1846, reported: "Eventually it was allowed to be read the second time and committed, upon the tacit understanding, as it appeared to us, that this was only allowed in order to place the Society on the same footing as that of the St. Patrick, whose bill was read a second time a few nights ago, and that the bills of both Societies would be ultimately rejected."
11. The debate on this matter was reported by: MONTREAL GAZETTE, 4 May 1846; and MONTREAL TRANSCRIPT, 2 May 1846.
12. MONTREAL GAZETTE, 4 May 1846.
13. IBID.
14. MONTREAL TRANSCRIPT, 2 May 1846.
15. MONTREAL GAZETTE, 4 May 1846.
16. IBID.
17. MONTREAL TRANSCRIPT, 4 May 1846.
18. IBID. MONTREAL TRANSCRIPT added: "The bill was allowed to pass the second reading; but as it appeared to us, with the tacit understanding, that this course was only adopted in order to place it on an equality with the St. Patrick's Society, whose bill was read a second time a few nights ago. We believe that neither of the bills will be allowed to pass."
19. The debate on this matter was reported by: MIRROR, 30 April 1846, incorrectly dated as 1 May, and PILOT, 5 May 1846, in identical accounts.
20. MIRROR, 30 April 1846, incorrectly dated as 1 May.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. The debate on this motion was reported by: MIRROR, 30 April 1846, and PILOT, 5 May 1846, in identical accounts; MONTREAL TRANSCRIPT, 2 May 1846, and KINGSTON NEWS, 7 May 1846, in identical accounts; and MONTREAL GAZETTE, 4 May 1846.

26. MIRROR, 30 April 1846.
27. MONTREAL TRANSCRIPT, 2 May 1846.
28. MIRROR, 30 April 1846.
29. MONTREAL TRANSCRIPT, 2 May 1846.
30. MIRROR, 30 April 1846.
31. MONTREAL TRANSCRIPT, 2 May 1846.
32. MIRROR, 30 April 1846.
33. MONTREAL TRANSCRIPT, 2 May 1846.
34. MONTREAL GAZETTE, 4 May 1846.
35. MONTREAL TRANSCRIPT, 2 May 1846.
36. MIRROR, 30 April 1846.
37. MONTREAL GAZETTE, 4 May 1846.
38. MIRROR, 30 April 1846.
39. IBID.
40. IBID.
41. IBID.
42. MONTREAL TRANSCRIPT, 2 May 1846.
43. MIRROR, 30 April 1846.
44. MONTREAL TRANSCRIPT, 2 May 1846. MIRROR, 30 April 1846, quoted the figure as £700.
45. MONTREAL TRANSCRIPT, 2 May 1846.
46. MONTREAL GAZETTE, 4 May 1846.
47. MONTREAL TRANSCRIPT, 2 May 1846.
48. MIRROR, 30 April 1846.
49. MONTREAL TRANSCRIPT, 2 May 1846.
50. MIRROR, 30 April 1846. MONTREAL TRANSCRIPT, 2 May 1846, quoted the damages as £3,000 or £4,000.
51. MIRROR, 30 April 1846.
52. MONTREAL GAZETTE, 4 May 1846.
53. MONTREAL TRANSCRIPT, 2 May 1846.
54. MIRROR, 30 April 1846.
55. MONTREAL TRANSCRIPT, 2 May 1846.
56. MIRROR, 30 April 1846.
57. MONTREAL TRANSCRIPT, 2 May 1846.
58. MIRROR, 30 April 1846.
59. MONTREAL TRANSCRIPT, 2 May 1846.
60. MIRROR, 30 April 1846.
61. IBID.
62. IBID.
63 MONTREAL TRANSCRIPT, 2 May 1846.
64. MONTREAL GAZETTE, 4 May 1846.
65. MIRROR, 30 April 1846.
66. MONTREAL GAZETTE, 4 May 1846.
67. MIRROR, 30 April 1846.
68. MONTREAL GAZETTE, 4 May 1846.
69. MIRROR, 30 April 1846.
70. MONTREAL GAZETTE, 4 May 1846.
71. IBID.
72. MIRROR, 30 April 1846.
73. IBID.

74. MONTREAL TRANSCRIPT, 2 May 1846.
75. MIRROR, 30 April 1846.
76. MONTREAL TRANSCRIPT, 2 May 1846.
77. MIRROR, 30 April 1846.
78. IBID.
79. MONTREAL TRANSCRIPT, 2 May 1846.
80. MIRROR, 30 April 1846.
81. MONTREAL TRANSCRIPT, 2 May 1846.
82. MIRROR, 30 April 1846.
83. MONTREAL TRANSCRIPT, 2 May 1846.
84. MIRROR, 30 April 1846.
85. MONTREAL TRANSCRIPT, 2 May 1846.
86. MIRROR, 30 April 1846.
87. MONTREAL TRANSCRIPT, 2 May 1846.
88. MIRROR, 30 April 1846.
89. MONTREAL TRANSCRIPT, 2 May 1846.
90. MIRROR, 30 April 1846.
91. MONTREAL TRANSCRIPT, 2 May 1846.
92. MIRROR, 30 April 1846.
93. MONTREAL TRANSCRIPT, 2 May 1846.
94. MIRROR, 30 April 1846.
95. MONTREAL TRANSCRIPT, 2 May 1846.
96. MIRROR, 30 April 1846.
97. IBID.
98. IBID.
99. IBID. MIRROR observed that Viger "made some remark we could not catch."
100. MIRROR, 30 April 1846.
101. IBID.
102. MONTREAL TRANSCRIPT, 2 May 1846.
103. MONTREAL GAZETTE, 4 May 1846.
104. MIRROR, 30 April 1846.
105. MONTREAL GAZETTE, 4 May 1846.
106. MONTREAL TRANSCRIPT, 2 May 1846.
107. MIRROR, 30 April 1846.
108. IBID.
109. IBID.
110. MONTREAL GAZETTE, 4 May 1846.
111. MIRROR, 30 April 1846.
112. MONTREAL TRANSCRIPT, 2 May 1846.
113. MIRROR, 30 April 1846.
114. MONTREAL TRANSCRIPT, 2 May 1846.
115. MONTREAL GAZETTE, 4 May 1846.
116. MONTREAL TRANSCRIPT, 2 May 1846.
117. MONTREAL GAZETTE, 4 May 1846.
118. MONTREAL TRANSCRIPT, 2 May 1846.
119. MONTREAL GAZETTE, 4 May 1846.
120. MIRROR, 30 April 1846.
121. MONTREAL TRANSCRIPT, 2 May 1846.
122. IBID.

123. MIRROR, 30 April 1846.
124. MONTREAL TRANSCRIPT, 2 May 1846.
125. MIRROR, 30 April 1846.
126. MONTREAL GAZETTE, 4 May 1846.
127. MIRROR, 30 April 1846.
128. MONTREAL TRANSCRIPT, 2 May 1846.
129. MONTREAL GAZETTE, 4 May 1846.
130. MONTREAL TRANSCRIPT, 2 May 1846.
131. MIRROR, 30 April 1846.
132. MONTREAL TRANSCRIPT, 2 May 1846.
133. MONTREAL GAZETTE, 4 May 1846.
134. MIRROR, 30 April 1846.
135. MONTREAL GAZETTE, 4 May 1846.
136. MIRROR, 30 April 1846.
137. MONTREAL GAZETTE, 4 May 1846.
138. MONTREAL TRANSCRIPT, 2 May 1846.
139. MIRROR, 30 April 1846.
140. MONTREAL TRANSCRIPT, 2 May 1846.
141. MONTREAL GAZETTE, 4 May 1846.
142. MONTREAL GAZETTE, 4 May 1846. The MONTREAL TRANSCRIPT, 2 May 1846, mistakenly identified the speaker as "the hon. member for the North Riding".
143. MONTREAL TRANSCRIPT, 2 May 1846.
144. MONTREAL GAZETTE, 4 May 1846.
145. MONTREAL TRANSCRIPT, 2 May 1846.
146. IBID.
147. MIRROR, 30 April 1846.
148. IBID.
149. IBID.
150. MONTREAL GAZETTE, 4 May 1846.
151. MIRROR, 30 April 1846.
152. MONTREAL GAZETTE, 4 May 1846.
153. MIRROR, 30 April 1846.
154. MONTREAL TRANSCRIPT, 2 May 1846.
155. MONTREAL GAZETTE, 4 May 1846.
156. MIRROR, 30 April 1846.
157. MONTREAL TRANSCRIPT, 2 May 1846.
158. MIRROR, 30 April 1846.
159. MONTREAL GAZETTE, 4 May 1846.
160. MIRROR, 30 April 1846.
161. MONTREAL TRANSCRIPT, 2 May 1846.
162. MIRROR, 30 April 1846.

SECTION I: PROPER NAMES

A

Armstrong, David Morrison, 180-181, 186, 218, 380, 459, 771.
Aylwin, Thomas Cushing, 7, 8, 26, 71f, 85, 86, 88, 98, 103, 119, 120, 151, 152, 153, 182-183, 188, 198, 199, 205f, 210, 211, 219,226-227 235, 257, 264, 265, 278, 285, 285-286, 286, 287, 303, 312-313, 316, 317, 325, 329, 330, 340, 353-354, 354, 357, 365, 368, 374, 375f, 385, 386, 387, 425, 434, 442, 462, 488-489, 489, 515, 517, 530, 531-532, 532, 533, 542, 543, 552, 555, 555-556, 558, 559, 562, 562-563, 563, 564, 571-572, 572, 604, 607, 711, 716, 732, 732-733, 733, 734, 772, 775, 777, 778, 779, 790-791, 791, 795, 797, 810, 811, 811-812, 812, 812-813, 818, 819, 833, 835, 838, 842, 842-843, 843, 861, 862, 865, 865-866, 866, 898, 898-900, 900, 901, 903, 905, 905-906, 919, 929, 929-930, 933, 942, 954-955, 955, 959-960, 968, 988, 988-989, 989, 990, 997, 998, 1008, 1010, 1010-1011, 1011, 1015, 1016, 1016-1017, 1017, 1018, 1025, 1025-1026, 1033, 1033-1034, 1062.

B

Baldwin, Robert, 22-26, 26, 61, 86, 86-87, 119, 120, 148, 150, 151, 152-153, 170, 176, 176-177, 178, 187, 189, 192-193, 193, 198, 199, 200, 210, 217, 220, 224, 225-226, 229, 237, 241, 242, 249, 262, 269, 277, 288, 290, 316, 317-318, 318, 333, 340, 355-356, 356, 358-359, 359, 371, 385, 387, 428-429, 429-430, 430-431, 433, 435-436, 441, 442, 469, 485-486, 487, 488, 490, 500-501, 502, 504, 515, 518, 535f, 540, 543, 547, 565, 566, 567, 567-568, 568, 593, 594, 595, 596, 604, 635, 639, 644, 679-681, 692, 697-698, 698, 716, 733, 735, 788, 790, 794, 795, 797, 836, 836-837, 896, 904, 917, 931, 942, 951, 952, 952-953, 954, 963-964, 964, 991, 1009, 1017-1018, 1018, 1034-1036, 1036, 1037, 1053, 1058, 1062-1064, 1064, 1065.
Berthelot, Amable, 226, 240, 835, 861, 873-874, 958, 1056, 1068.
Bertrand, Louis, 515, 579, 604, 834, 1026, 1046.
Boulton, William Henry, 57-58, 58, 84, 97, 193, 224, 238, 244, 277, 291, 292, 294-295, 302, 332, 341, 381, 387, 470, 487, 497, 506, 513, 635, 644, 688-689, 772, 789, 791, 792-793, 797, 798, 820, 854, 855, 867-868, 868-869, 879, 896, 909, 930, 942, 1017, 1025, 1032, 1056.
Bouthillier, Thomas, 10, 84, 217, 257, 644, 660, 887.
Brooks, Samuel, 256, 276, 303, 340, 380, 559, 579, 711, 816-817.

C

Cameron, Malcolm, 10, 36-38, 38, 43, 97, 103, 159, 167-168, 168, 169, 181-182, 190, 193, 208f, 211, 218, 250-251, 251, 256, 294, 356-357, 380, 386, 467-468, 491, 492, 506, 507, 513, 542, 545, 554, 572, 589, 599, 600, 624, 624-628, 639, 654.
Cauchon, Joseph Edouard, 31-36, 41, 72f, 165, 168, 175, 186, 202f, 239, 302, 431, 431-433, 440, 463, 546, 547, 571, 589, 590, 591, 661, 662-663, 685, 687, 688, 692, 695, 697, 778, 779, 785f, 802, 802-

803, 803-804, 804-805, 805-806, 875, 890, 920, 1056, 1061, 1061-1062, 1062.
Cayley, William, 2, 5, 118-119, 120, 120-121, 121, 159, 185, 190-191, 192, 241, 257, 272, 290, 309, 318-320, 320-325, 325-329, 329, 329-330, 330, 330-331, 336f, 385, 386, 513, 544, 545, 563, 563-564, 591, 595-596, 634, 663, 663-667, 667-668, 668, 669, 671, 674, 695, 696, 799, 800-802, 806-807, 809-810, 811, 812, 813, 819, 839, 840, 842, 844, 869, 882, 933, 967, 1007-1008, 1008, 1009, 1012, 1013, 1014, 1039, 1040-1041, 1066.
Chabot, Jean, 79, 84, 96, 211, 218, 220, 277, 285, 286, 303, 341, 363-364, 365, 367, 450, 462, 514, 555, 558, 559, 569, 570, 595, 597, 637, 660, 662, 716, 731, 734, 778, 780, 782, 789, 820, 827, 830-833, 833, 844-847, 856, 861, 869, 878, 879, 882-883, 896, 913-915, 1033, 1049, 1054, 1055.
Chalmers, George, 10, 103, 148, 157, 225, 235, 257, 339, 357, 380, 474, 488, 506, 534, 547-548, 548, 579, 591, 685-686, 711, 796, 853, 878-879, 950-951.
Chauveau, Pierre Joseph Olivier, 10, 13, 46-48, 48-50, 50-53, 53-54, 54, 54-55, 83, 85, 88, 96, 103, 117-118, 167, 178-179, 198, 200, 216, 238, 256, 262, 277, 281, 303, 309-310, 332, 341, 367-368, 386, 428, 460, 560-562, 570, 597, 633, 644, 660, 660-661, 693, 693-694, 694, 771, 780, 816, 821, 827, 842, 854, 868, 875, 890, 915-916, 919, 983, 997, 1046, 1051, 1055, 1059, 1061.
Christie, Robert, 6, 8, 14, 89, 98, 102, 152, 188, 218, 222, 244, 276, 310, 320, 340, 367, 368, 374, 383, 387, 460, 527, 579, 598, 619-620, 620, 645, 772, 786, 835, 869-871, 882, 920, 1051, 1055, 1057.
Colville, Eden, 8, 10, 99, 160, 210, 309, 331, 357, 366, 383, 383-384, 459, 462, 559, 564, 592, 667, 681, 712, 775, 776, 810, 964, 986, 988, 989, 992, 1057.
Cummings, James, 10, 103, 165, 210, 216-217, 267, 276, 302, 339, 364, 380, 450, 470, 515, 579, 608-609, 609, 771, 969-970, 970.

D

Daly, Dominick, 11, 158, 200, 211, 231, 299f, 368, 513, 530, 533, 881, 909.
DeBleury, Charles Clément Sabrevois, 4, 20, 66, 67, 341, 462, 513, 658, 902, 947, 956, 998, 1006.
Desaulniers, François, 79, 304, 1052, 1053.
DeWitt, Jacob, 84, 211, 272, 333, 474, 515, 540, 542, 598, 688, 695, 962-963, 1013, 1014, 1052.
Dickson, Walter Hamilton, 200, 211, 228, 233f, 237, 257, 263, 277-278, 280, 283, 474, 515, 540, 634, 652-653, 731-732, 733, 789-790, 793, 839, 868, 905, 932, 948-949, 970-972, 975-976, 1006, 1019, 1046.
Draper, William Henry, 2, 3, 5, 60, 88-89, 97, 98, 99, 120, 147, 148, 149, 156-157, 159, 168-169, 169-170, 171-172, 173, 178, 187, 190, 191-192, 192, 196, 199, 220, 221, 222, 229, 241, 242, 245, 251, 262, 271, 289-290, 316, 317, 332, 333-334, 358, 370-371, 372, 385, 387, 425, 433, 433-434, 434-435, 441, 441-442, 442, 463-464, 464, 468-469, 469, 470, 501, 504, 507, 509, 516, 517, 529-530, 530, 531, 532-533, 533, 563, 564, 565, 566, 567, 568, 592, 592-593, 594, 595-596, 596, 599-600, 637, 637-638, 682-685, 695, 696, 697,

698, 733, 782, 790, 792, 795, 799-800, 815, 819, 819-820, 821, 841, 847, 851, 852, 916-917, 921, 926, 926-927, 929, 930, 931, 932, 933, 934, 951-952, 952, 953, 954, 976, 983, 992, 998, 1009, 1017, 1019, 1036.
Drummond, Lewis Thomas, 184, 184-185, 250, 277, 303, 310, 332, 333, 601, 817, 817-818, 818, 835, 891, 985, 986-987, 987-988, 991, 992, 998, 1018, 1057.
Duggan, George R., 89, 103, 196-197, 238, 246, 265, 277, 290, 297, 304, 354, 354-355, 360, 384, 506, 544, 594-595, 615, 616, 633, 636, 639, 659, 715, 716, 796, 880, 931, 956, 957, 1026, 1046.

E

Ermatinger, Edward, 11, 103, 157, 165, 249, 270-271, 291, 295-296, 296, 304, 341, 440-441, 442, 474, 502, 505, 513, 545, 565, 593, 633, 669-670, 670, 693, 813-814, 848, 875, 889, 896, 921, 942, 958, 1057-1058.

F

Foster, Stephen Sewel, 235, 302, 588, 644, 896, 1025.
Franchère, Timothée.

G

Gowan, Ogle Robert, 7, 39-41, 41, 41-43, 43-44, 44-45, 59, 61, 74f, 75f, 84, 98, 109, 117, 150-151, 155-156, 197, 198, 199, 237, 256, 286-287, 288, 289, 295, 303, 331, 340, 353, 354, 356, 360, 384, 437, 467, 493-494, 494, 505, 508, 515, 563, 566, 571, 574f, 592, 598, 600, 637, 651, 652, 686-687, 687, 695, 699, 712, 773, 778, 789, 817, 861, 901, 901-902, 904, 904-905, 905, 988, 1012, 1026, 1031-1032, 1046, 1047, 1059, 1064-1065, 1065.
Guillet, Louis, 103, 165, 303.

H

Hale, Edward, 11, 176, 179-180, 303, 339, 474, 528, 541, 579, 598, 604, 607, 658, 711, 733, 773, 789, 851, 865, 866, 867, 985, 988, 1018, 1036, 1049.
Hall, George Barker, 89, 117, 194, 223, 277, 288, 294, 355, 366, 459, 464-465, 471, 493, 502, 508, 509, 552, 554, 593, 635, 639, 670, 698, 772, 807, 820, 917, 918, 942, 955, 1008-1009, 1009, 1009-1010, 1011, 1012, 1012-1013, 1013, 1014-1015, 1017, 1037, 1045, 1055, 1060, 1068.

J

Jessup, Hamilton Dibble, 83, 257, 366, 450, 461, 930, 955, 997.
Jobin, André, 711, 717-718, 947, 982, 1043, 1054.
Johnston, James, 22, 38, 55, 154, 194, 288, 291, 374, 435, 440, 468, 514, 543, 565, 628, 639, 688, 699, 733, 779, 785f, 803, 807, 969.

L

Lacoste, Louis, 152, 198, 235, 276, 302, 339, 463, 711.
LaFontaine, Louis Hippolyte, 89, 154-155, 170-171, 172, 173, 186, 202f, 219, 250, 269, 287, 333, 355, 364, 388, 389, 389-423, 425, 444f, 542, 543, 601, 639, 661, 777, 836, 875-877, 877, 897, 907, 912, 927, 934, 942, 953, 967, 1017, 1065.
Lantier, Jacques Philippe, 189, 257, 276, 386, 474, 475, 513, 551, 571, 598, 604, 775, 788, 794, 889, 890.
Laterrière, Marc Pascal de Sales, 210-211, 297, 303, 438, 438-439, 439, 836, 855, 856, 871-873, 882-883, 887, 916, 920, 1053, 1054.
Laurin, Joseph, 11, 84, 220, 235, 239, 276, 281, 333, 462, 463, 559, 559-560, 570, 598, 600, 601, 605, 775, 788, 834, 836, 933, 949, 977, 997, 998, 1019.
LeBoutillier, John, 460, 645, 882, 920.
LeMoine, Benjamin Henry, 83, 235, 930, 956.
Leslie, James, 10, 210, 272, 302, 339, 388, 653-654, 654, 734, 735, 782, 827, 838, 955, 968, 1006, 1025.

M

Macdonald, John Alexander, 84, 199, 210, 241, 276, 277, 341, 359-360, 365, 366, 515, 552, 588, 655-657, 774, 775, 776, 853, 853-854, 878?, 910, 931, 956, 1006, 1010, 1017.
Macdonald, John Sandfield, 58-59, 59, 60, 60-61, 194, 224, 568, 605, 644, 691-692, 698, 772, 775-776, 788, 837, 878?, 903, 907, 931, 960-961.
Macdonald, Rolland, 11, 56, 156, 165, 211, 356, 465, 502, 616, 623-624, 659, 689-690, 690-691, 850, 851, 878?, 927-928, 933, 955, 1018, 1042, 1049, 1052.
Macdonell, Donald Aeneas, 20, 282-283, 505-506, 568, 594, 597, 597-598, 619, 698-699, 852, 852-853, 929.
Macdonell, George, 11, 55-56, 67, 83, 86, 235, 241-242, 242, 243, 269-270, 270, 271, 314, 368-369, 369, 369-370, 468, 515, 579, 615-616, 616, 620, 686, 698, 778, 838, 850, 879, 880, 898, 903, 931.
MacNab, Allan Napier, 1, 3, 38, 60, 80-83, 89-96, 102, 109, 122-146, 158, 165, 199, 237, 246-248, 250, 269, 288, 289, 297, 389, 498-499.
McConnell, John, 10, 276, 284, 462, 514, 644, 688, 711, 797, 816, 827, 861, 1056, 1058, 1065-1066, 1066.
Merritt, William Hamilton, 197, 210, 238, 265, 266-267, 267, 274f, 283, 290, 293-294, 302-303, 309, 311, 330, 340, 364, 384, 466-467, 497-498, 504, 554, 566, 568, 594, 624, 635-636, 668-669, 688, 693, 695, 734, 827, 839, 851, 852, 855, 868, 918, 921-922, 1017.
Méthot, Antoine Prospère, 11, 84, 103, 315, 341, 475, 485, 551, 695, 711, 819, 839-840.
Meyers, Adam Henry, 7, 11, 83, 241, 249, 276, 339, 342, 366, 459, 464, 505, 572, 596, 597, 618, 712, 736, 772, 782, 788, 838, 887, 1006, 1038-1039, 1045, 1053.
Moffatt, George, 2, 103, 119-120, 120, 151, 160, 219, 228, 237, 257, 277, 289, 295, 303, 313, 318, 340, 381, 462, 474, 494, 515, 542, 546, 547, 553-554, 554, 555, 572, 579, 589, 600-601, 604, 609,

610, 634-635, 637, 638-639, 639, 640f, 659, 668, 669, 674-675, 735, 772, 775, 792, 793, 818, 841, 843, 874-875, 875, 880, 896, 907, 912, 961-962, 962, 982, 1013-1014, 1042, 1052, 1054, 1055-1056, 1056, 1057.
Monro, George, 102, 235, 256, 474, 571, 615, 788, 851.
Morin, Augustin Norbert, 183, 183-184, 185, 256, 277, 288, 302, 308, 341, 357, 361-363, 459, 485, 495-496, 513, 515-516, 518, 523-527, 538, 548-551, 562, 569, 601, 652, 699, 736-771, 799, 866, 897, 898, 1025, 1037.
Murney, Edmund, 386, 460-461, 492-493, 514, 559, 563, 591-592, 821, 827, 861, 997, 1036-1037, 1057, 1058.

N

Nelson, Wolfred, 54, 56, 56-57, 57, 58, 77f, 313, 808-809, 818, 880-881, 887, 1056.

P

Papineau, Denis Benjamin, 2, 103, 147, 176, 341, 368, 438, 439, 491, 659-660, 660, 661, 662, 735-736, 773, 773-774, 861, 927.
Petrie, Archibald, 79, 80, 83, 103, 200, 277, 339, 505, 597, 617, 618, 921, 1029-1030.
Powell, Israel Wood, 788, 839, 916, 917, 921.
Price, James Hervey, 61, 61-62, 77f, 83, 151, 195, 217, 222, 285, 289, 314, 359, 360, 370, 385, 464, 496-497, 514, 536f, 565, 592, 594, 604, 636, 644, 711, 771, 790, 792, 793, 795, 896, 913, 942, 965-966, 1053.
Prince, John, 6, 8, 14-20, 20-22, 38-39, 59, 60, 64, 66, 88, 103, 118, 182, 190, 194-195, 208f, 224, 227-228, 237, 245-246, 256, 264, 268, 277, 290, 291-292, 292-293, 295, 310, 317, 341, 353, 359, 369, 372, 374, 381, 384, 389, 425-426, 426-427, 427-428, 428, 431, 435, 437, 441, 442, 458-459, 465, 493, 501, 506-507, 556-558, 568-569, 579,597-598, 605, 621-623, 624, 629, 631-632, 636, 637.

R

Riddell, Robert, 235, 359, 494, 505, 568, 600, 604, 711, 733, 861, 903, 1049.
Robinson, William Benjamin, 2, 8, 10, 45-46, 76f, 98, 189, 211, 217, 228, 237, 238, 255, 277, 302, 311-312, 313, 330, 381, 467, 492, 503, 507, 514, 527, 539-540, 546, 547, 552, 565, 589-590, 604, 607, 633, 672-674, 681-682, 711, 793, 812, 816, 867, 896, 898, 928-929, 942, 964, 964-965, 1013, 1042, 1051, 1052, 1060, 1060-1061, 1064.
Roblin, John P., 87-88, 110, 157, 195-196, 211, 237, 263, 357-358, 450, 465, 474, 485, 495, 504, 514, 539, 566, 567, 593, 598, 670-671, 671, 671-672, 839, 847, 848, 851, 916, 918-919, 931, 952, 956, 961, 1025.
Rousseau, Léon, 450, 861, 897, 931, 957.

S

Scott, William Henry, 98, 159, 257, 284, 302, 315, 459, 460, 462-463, 474, 788, 794, 827, 857, 861, 888, 921, 942, 984.
Seymour, Benjamin, 243, 514, 588, 678-679, 776, 827, 853.
Sherwood, George, 10, 103, 149, 151, 155, 199, 230, 271, 302, 386, 504, 514, 558, 588, 616, 617, 618, 711, 795, 796, 816?, 896, 1015, 1037, 1041.
Sherwood, Henry, 7, 86, 87, 110, 157, 173-175, 183, 187, 197, 199, 208f, 221, 224, 226, 248-249, 249, 256-257, 263, 264, 265, 269, 273f, 280, 290, 293, 295, 296, 314, 340, 358, 359, 360, 387, 459, 465-466, 466, 487, 488, 489-490, 490-491, 499, 499-500, 502, 513, 539, 552-553, 600, 628-629, 629-631, 632-633, 649-651, 671, 676-678, 692, 692-693, 793, 796-797, 797, 816?, 818, 835-836, 836, 866, 897, 900, 902, 906, 907, 917-918, 918, 957, 957-958, 959, 984-985, 1014, 1016, 1028, 1032, 1033, 1034, 1049, 1052, 1053, 1056, 1058, 1069f.
Smith, Harmanus, 256, 276, 299f, 474, 484, 639, 788, 847, 848, 956, 1026.
Smith, Henry, 4-5, 11, 20, 84, 152, 153-154, 192, 198, 199, 210, 225, 238, 242, 243, 249, 268, 285, 288, 340, 504, 798, 819, 853, 931, 958-959, 1025.
Smith, James, 2, 83, 97, 148, 149-150, 150, 156, 159, 160, 215-216, 218, 219, 235, 241, 250, 272, 299f, 331, 332, 332-333, 333, 367, 368, 374, 385, 385-386, 440, 461, 464, 470, 485, 486, 542, 543, 545, 545-546, 556, 570, 571, 591, 600, 663, 685, 697, 786, 788, 799, 821, 834, 840, 855-856, 857, 869, 874, 877, 878, 879-880, 882, 887, 887-888, 890, 896, 919, 933-934, 977, 985, 986, 990, 990-991, 991-992, 1015, 1016, 1019, 1039, 1060, 1067.
Stewart, Neil, 661, 773.
Stewart, William, 10, 96, 103, 210, 235, 238, 262, 339, 508, 514, 527, 597, 604, 615, 616-617, 618, 619, 663, 697, 711, 773, 781, 861, 968, 1026, 1030-1031.

T

Taché, Etienne Paschal, 79, 84, 165, 231, 265, 381, 579, 644, 660, 732, 732-733, 782, 827, 835, 849-850, 852, 871, 877, 879, 901, 922-923, 923-926, 926.
Taschereau, Joseph André, 2, 84, 98, 147-148, 235, 304, 450, 515, 543, 546, 620, 644, 861, 869, 874, 890, 897, 1028-1029.
Thompson, David, 303, 311, 340, 466, 505, 513, 540, 589, 734-735, 838, 852, 897, 927, 933, 949-950, 966, 970, 972-975, 1010, 1058.

V

Viger, Denis Benjamin, 2, 7, 28-31, 50, 54, 76f, 159, 172-173, 173, 188, 200, 228-229, 230, 237, 240, 291, 297, 299f, 302, 333, 336f, 423-424, 424-425, 425, 430, 437, 463, 487, 516, 620, 660, 681, 835, 889, 934, 963, 976, 1046, 1047, 1064.

W

Watts, Robert Nugent, 84, 235, 250, 268, 284, 284-285, 287, 315, 316, 341, 380, 436-437.
Webster, James, 10-11, 210, 450, 540, 546, 616, 780-781, 788, 861, 950.
Williams, John Tucker, 6, 12-13, 79, 80, 85, 88, 155, 193-194, 197, 200, 208-209f, 235, 249, 288, 291, 296, 352, 353, 355, 357, 381, 384, 467, 474, 492, 501-502, 504, 515, 528-529, 548, 566-567, 593, 617, 633, 639, 675-676, 715, 794, 795, 796, 814-815, 815-816, 840-841, 862, 903, 903-904, 906, 907, 921, 949, 968, 984, 1006, 1025, 1028, 1034, 1043, 1045, 1052-1053, 1060, 1062.
Woods, Joseph, 10, 103, 149, 210, 281-282, 341, 507, 788.

Government
Publications

3 1761 11465203 5